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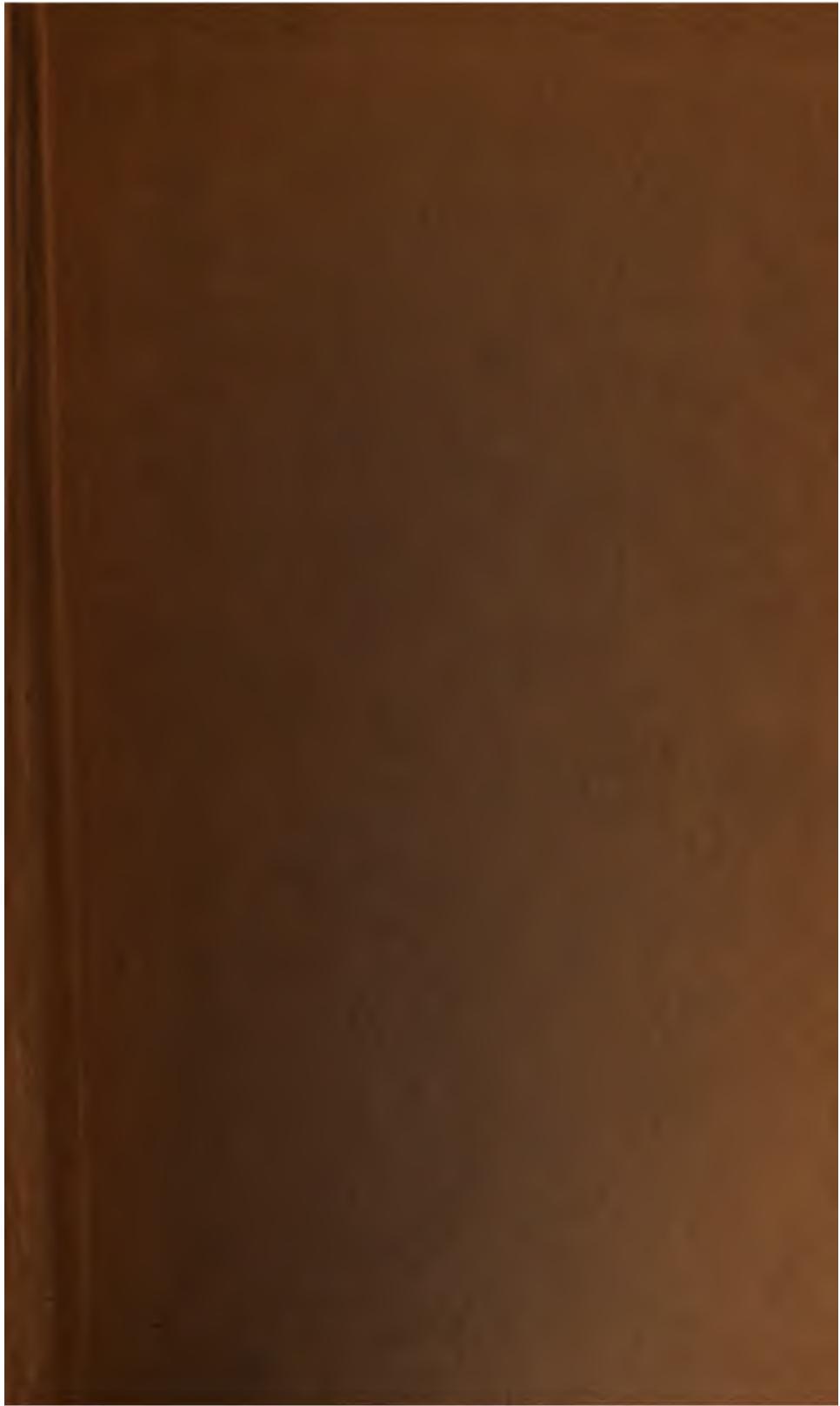
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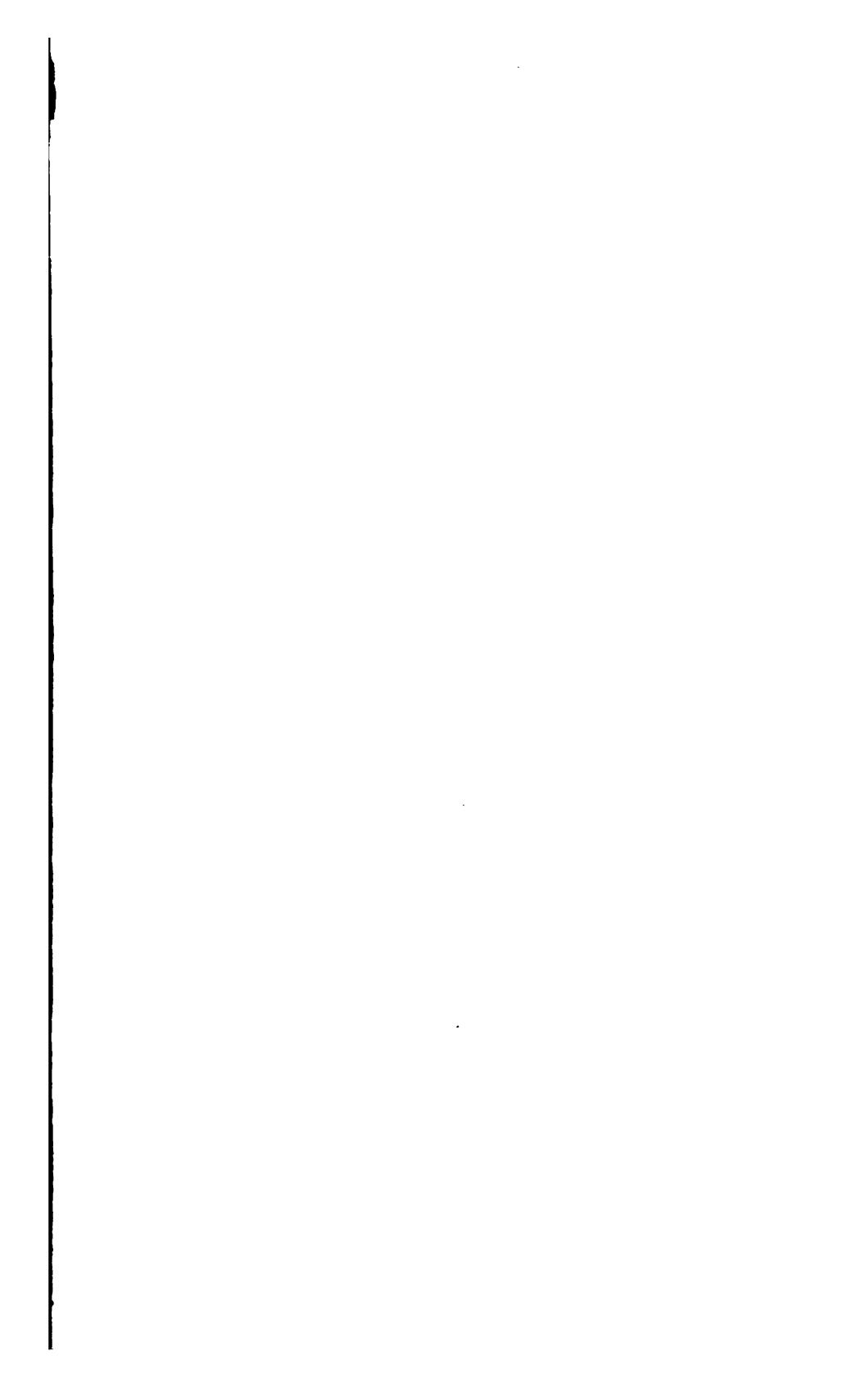
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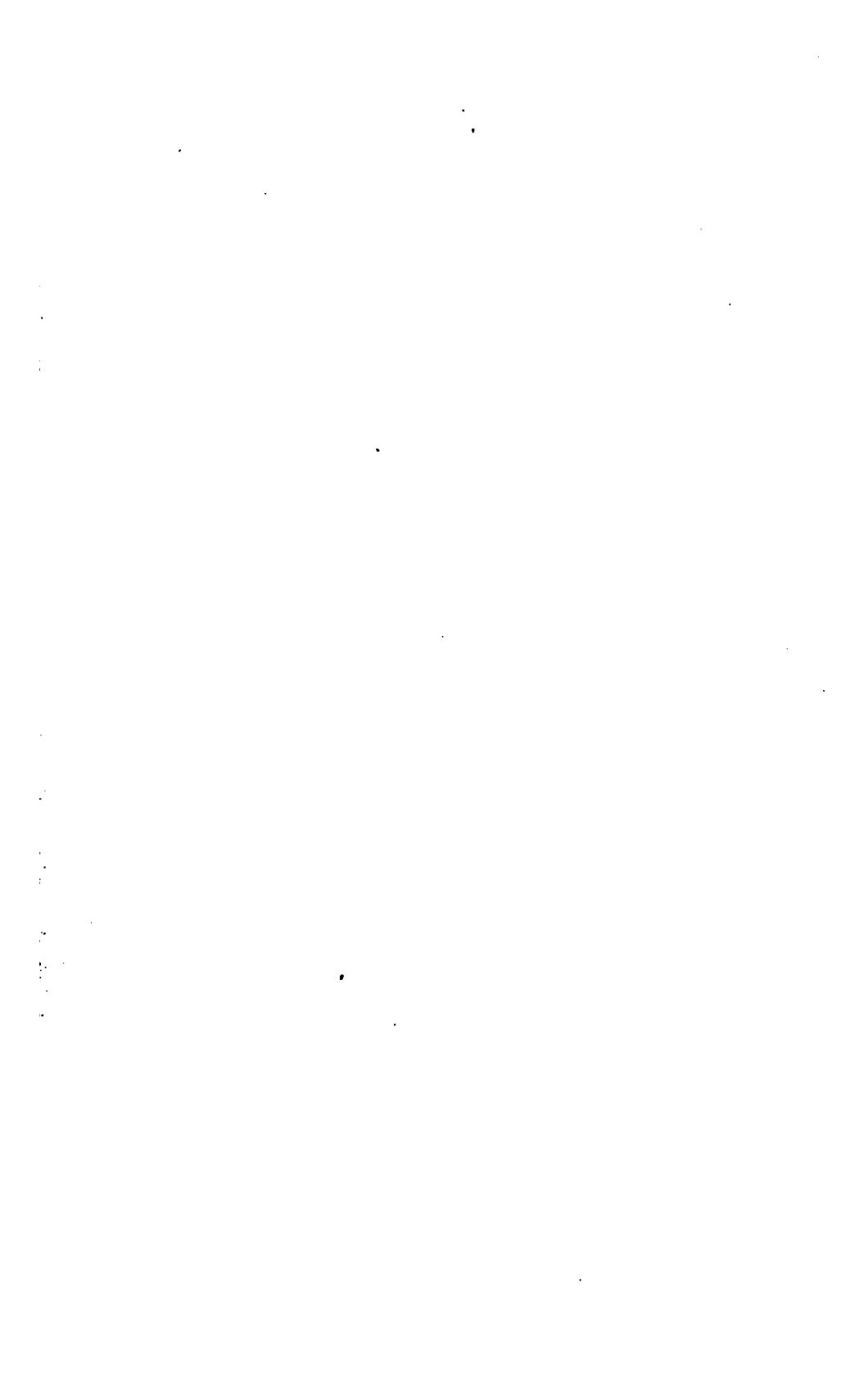
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THE
STATUTES OF CALIFORNIA,

PASSED AT THE

Sixteenth Session of the Legislature,

1865-6,

BEGAN ON MONDAY, THE FOURTH DAY OF DECEMBER, EIGHTEEN HUNDRED AND SIXTY-FIVE,
AND ENDED ON MONDAY, THE SECOND DAY OF APRIL,
EIGHTEEN HUNDRED AND SIXTY-SIX.



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STATE OFFICERS.

NAME.	OFFICIAL POSITION.	RESIDENCE.
F. P. Low.....	Governor.....	San Francisco.
T. N. Machin.....	Lieutenant-Governor.....	Tuolumne.
B. B. Redding.....	Secretary of State.....	Sacramento.
George Oulton.....	Controller.....	Siskiyou.
R. P. Heico.....	Treasurer	San Luis Obispo.
John G. McCullough.....	Attorney-General.....	Mariposa.
J. F. Houghton.....	Surveyor-General	Solano.
John Swett.....	Superintendent Public Instruction.....	San Francisco.
O. M. Clayes.....	State Printer	San Joaquin.
B. E. Robinson.....	Adjutant-General.....	Sacramento.
W. C. Stratton.....	State Librarian	Placer.
Wm. E. Brown.....	Governor's Private Secretary	Sacramento.
C. L. Taylor.....	State Harbor Commissioner (President).....	San Francisco.
E. S. Tilton.....	State Harbor Commissioner.....	San Francisco.
James Laidley.....	State Harbor Commissioner.....	San Francisco.
R. E. C. Stearns.....	Secretary Harbor Commissioners.....	San Francisco.

JUDGES, CLERKS, AND REPORTER OF SUPREME COURT.

John Currey.....	Judge, term two years (Chief Justice).....	San Francisco.
Lorenzo Sawyer.....	Judge, term four years.....	San Francisco.
A. L. Rhodes.....	Judge, term six years.....	Santa Clara.
O. L. Shafter.....	Judge, term eight years.....	Alameda.
E. W. San Ieson.....	Judge, term ten years.....	El Dorado.
J. D. Harriman.....	Clerk Supreme Court	Placer.
W. G. Wood.....	Deputy Clerk.....	San Francisco.
Chas. H. Pomeroy.....	Private Secretary	Santa Clara.
Chas A. Tuttle.....	Reporter Supreme Court.....	Placer.

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LIST OF OFFICERS.

NAME AND RESIDENCE

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STATE OFFICERS.

NAME.	OFFICIAL POSITION.	RESIDENCE.
F. F. Low.....	Governor.....	San Francisco.
I. N. Machin.....	Lieutenant-Governor.....	Tuolumne.
R. B. Redding.....	Secretary of State.....	Sacramento.
George Oulton.....	Controller.....	Siskiyou.
R. Pacheco	Treasurer	San Luis Obispo.
John G. McCullough.....	Attorney-General.....	Maryposa.
J. F. Houghton.....	Surveyor-General	Solano.
John Swett.....	Superintendent Public Instruction.....	San Francisco.
O. M. Clayes.....	State Printer	San Joaquin.
Robert Robinson.....	Adjutant-General.....	Sacramento.
W. C. Stratton.....	State Librarian	Placer.
Wm. E. Brown	Governor's Private Secretary.....	Sacramento.
C. L. Taylor.....	State Harbor Commissioner (President).....	San Francisco.
S. S. Tilton..	State Harbor Commissioner.....	San Francisco.
James Laidley.....	State Harbor Commissioner.....	San Francisco.
R. E. C. Stearns.....	Secretary Harbor Commissioners.....	San Francisco.

JUDGES, CLERKS, AND REPORTER OF SUPREME COURT.

John Currey.....	Judge, term two years (Chief Justice).....	San Francisco.
Lorenzo Sawyer.....	Judge, term four years.....	San Francisco.
A. L. Rhodes.....	Judge, term six years.....	Santa Clara.
J. L. Shafter.....	Judge, term eight years.....	Alameda.
E. W. Sanjourson.....	Judge, term ten years.....	El Dorado.
W. D. Harriman.....	Clerk Supreme Court	Placer.
V. G. Wood.....	Deputy Clerk.....	San Francisco.
Chas. H. Pomeroy.....	Private Secretary	Santa Clara.
Chas A. Tuttle.....	Reporter Supreme Court.....	Placer.

SENATORS.

S. P. WRIGHT.....President pro tem.

NAME.	COUNTIES REPRESENTED.	RESIDENCE.
*Banning, Phineas.....	Los Angeles.....	Wilmington.
*Beiden, David.....	Nevada.....	Nevada City.
Benton, J. E	Sacramento.....	Folsom.
*Bradley, E. L.....	Placer.....	Dutch Flat.
Cunningham, Lewis.....	Yuba	Marysville.
Dodge, H. L.....	San Francisco.....	San Francisco.
Evans, G. S.....	Tuolumne and Mono.....	Sonora.
*Ewer, S.....	Butte.....	Oroville.
*Freeman, J. W.....	Fresno and Tulare.....	Havilah.
Hager, J. S.....	San Francisco	San Francisco.
*Hale, J. E.....	Placer	Auburn.
*Hardy, Thos	Calaveras	Copperopolis.
Hartson, C.....	Lake, Napa, and Mendocino	Napa City.
Hawes, Horace.....	San Francisco and San Mateo	San Francisco.
*Heacock, E. H.....	Sacramento.....	Sacramento.
*Johnson, James.....	El Dorado	Placerville.
Jones, John P.....	Shasta and Trinity	Weaverville.
*Knox, Wm J.....	Santa Clara.....	San José.
Kutz, Joseph.....	Nevada	North San Juan.
Leonard, W. H.....	Calaveras	Comanche.
Lovett, W. E.....	Monterey and Santa Cruz.....	San Juan South.
Maddox, F. L.....	El Dorado	Georgetown.
*Mizner, L. B.....	Solano	Benicia.
Montgomery, W. S.....	Mariposa, Merced, and Stanislaus.....	Snelling's.
*Murphy, P. W.....	San Luis Obispo and Santa Barbara	San Luis Obispo.
Myers, S.....	San Joaquin	French Camp.
*Pearce, George	Sonoma	Petaluma.
Porter, C. B.....	Contra Costa and Marin.....	Pacheco.
*Pratt, L. E.....	Sierra.....	Downieville.
*Robinson, Henry.....	Alameda	Alameda.
Rush, J. A.....	Colusa and Tehama	Colusa.
Rose, A. H.....	Amador and Alpine	Amador City.
*Shaw, William J.....	San Francisco.....	San Francisco.
Smith, F. M.....	Butte, Plumas, and Lassen	Oroville.
*Teegarden, E.....	Yuba and Sutter.....	Marysville.
*Tubbs, A. L.....	San Francisco.....	San Francisco.
Tuttle, M. C.....	San Bernardino and San Diego	San Bernardino.
*Wadsworth, E.....	Siskiyou	Yreka.
*Wolcott, Oliver.....	Tuolumne	Sonora.
Wright, S. P.....	Del Norte, Humboldt, and Klamath	Crescent City.

*Term, four years.

OFFICERS OF THE SENATE.

NAME.	OFFICIAL POSITION.	RESIDENCE.
I. E. Dwinelle.....	Chaplain	Sacramento.
John White.....	Secretary	San Francisco.
Charles W. Gordon.....	Assistant Secretary	Shasta.
John H. Moran.....	Sergeant-at-Arms	Napa.
James Lane.....	Assistant Sergeant-at-Arms	Tuolumne.
Martin Rowan.....	Minute Clerk	Sacramento City.
W. F. Heustis	Journal Clerk	Humboldt.
Albert Hart.....	Enrolling Clerk	Sacramento City.

OFFICERS OF THE SENATE—Continued.

NAME.	OFFICIAL POSITION.	RESIDENCE.
I. Hart Hyatt, Jr.....	Engrossing Clerk.....	San Francisco.
E. B. Edson.....	Copying Clerk.....	Siskiyou.
Bert Morgan.....	Copying Clerk.....	El Dorado.
E. F. White	Clerk to Sergeant-at-Arms.....	Sacramento.
W. A. Selkirk.....	Assistant Secretary at Secretary's desk.....	Placer.

MEMBERS OF ASSEMBLY.

JOHN YULE..... Speaker.

NAME.	COUNTIES REPRESENTED.	RESIDENCE.
Ashley, Wm.....	Santa Cruz.....	Santa Cruz.
Ayr, Isaac.....	Calaveras	Murphy's.
Batchelder, A. J.....	Yuba.....	Foster's Bar.
Bedsole, A. C.....	Sonoma.....	Healdsburg.
Bonquit, John.....	Placer	Virginia town.
Bowman, James.....	San Francisco...	San Francisco.
Bulky, M. A.....	San Francisco...	San Francisco.
Brown, A. C.....	Amador and Alpine.....	Jackson.
Brown, Thos. A.....	Contra Costa.....	Martinez.
Brown, J. C.....	Tulare.....	White River.
Bugbee, S. C.....	San Francisco...	San Francisco.
Campbell, J. S.....	El Dorado.....	Salmon Falls.
Chamberlain, C. H.....	San Joaquin.....	Stockton.
Chappell, J. N.....	Shasta.....	Shasta.
Chase, E. Jacob.....	San Francisco.....	San Francisco.
Chayton, C.....	San Francisco...	San Francisco.
Coghlan, J. M.....	Napa.....	Napa City.
Collier, M. M.....	Calaveras.....	West Point.
Cory, J. M.....	Santa Clara.....	San José.
Darr, J. C.....	Trinity.....	Trinity Centre.
Dorain, Geo. D.....	Nevada.....	North San Juan.
Dowling, J. L.....	Sonoma.....	Santa Ross.
Dutton, Henry.....	San Francisco.....	San Francisco.
Dwyer, David.....	San Francisco.....	San Francisco.
Eager, Thomas.....	Alameda.....	Brooklyn.
Goodall, J. K.....	Mono.....	Owensville.
Goodwin, J. D.....	Plumas and Lassen.....	Quincy.
Greece, W. E.....	San Joaquin.....	Stockton.
Hanlin, Francis.....	Sutter.....	West Butte.
Hastebrow, Thos.....	Sacramento...	Sacramento.
Hatch, H. L.....	Nevada.....	Indian Springs.
Hawkins, Michael.....	San Francisco...	San Francisco.
Hill, R. J.....	San Luis Obispo and Santa Barbara.....	Paters Ranch.
Hogg, O. H.....	Sonoma.....	Bloomfield.
Hoppe, L. I.....	Tuolumne.....	Columbia.
Holden, Wm.....	Mendocino	Ukiah City.
Hollister, D.....	Sacramento.....	Richland.
Hopper, P. J.....	Sacramento.....	Folsom.
Howard, Geo. H.....	San Mateo..	San Mateo.
Howett, W. B.....	Sacramento...	Sacramento.
Hunt, A. B.....	Santa Clara.....	San José.
Humboldt, A. J.....	Humboldt.....	Eureka.
Howard, George.....	San Francisco...	San Francisco.
Holden, M. C.....	Monterey.....	Monterey.

NORTH CAROLINA.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
February 27, 1866.....	A. G. Brenizer	Greensboro .....	.....

OHIO.

July 10, 1863.....	Alexander H. McGuffey	Cincinnati.....	August 7, 1863
June 21, 1865.....	James E. Campbell.....	Hamilton.....	December 16, 1865
November 4, 1865.....	John A. Lynch.....	Cincinnati .....	.....

OREGON.

March 4, 1863.....	W. Lair Hill.....	Portland.....	.....
January 6, 1865.....	C. H. Larrabee.....	Portland.....	.....
September 8, 1865.....	D. W. Williams.....	Portland.....	November 1, 1865
November 4, 1865.....	Seth R. Hammer	Salem.....	December 6, 1865
February 8, 1866.....	Hamilton Boyd.....	Portland.....	March 10, 1866

PENNSYLVANIA.

June 7, 1862.....	Edward Sippen.....	Philadelphia.....	July 8, 1862
June 23, 1862.....	A. M. Burton.....	Philadelphia.....	August 19, 1862
September 24, 1862....	John Mitchell.....	Hollidaysburg.....	October 22, 1862
October 4, 1862.....	Theodore M. Morgan.....	Philadelphia.....	November 17, 1862
January 28, 1863.....	Edward Wickerham.....	Philadelphia.....	.....
July 8, 1863	John H. Frick	Philadelphia.....	December 31, 1863
November 28, 1863.....	Alister M. Grant	Philadelphia.....	February 26, 1864
May 25, 1863.....	Bernard Sharkey	Philadelphia.....	.....
March 22, 1864.....	John Mitchell.....	Philadelphia.....	.....
October 12, 1864.....	Theodore D. Rand.....	Philadelphia.....	December 10, 1864
March 21, 1865.....	Joshua Sering.....	Philadelphia.....	June 2, 1865
April 29, 1865.....	John McClarren.....	Pittsburg.....	August 3, 1865
May 15, 1865.....	Robert Arthurs.....	Pittsburg.....	.....
August 18, 1865.....	William V. Archer.....	Philadelphia.....	November 27, 1865
September 8, 1865.....	Charles H. T. Collis.....	Philadelphia.....	December 20, 1865
September 30, 1865.....	Benjamin F. Blood.....	Philadelphia.....	.....
November 14, 1865.....	George W. A. Hathwell.....	Philadelphia.....	January 16, 1866
November 27, 1865.....	John O. Neill	Titusville.....	February 12, 1866
February 8, 1866.....	Henry B. Hirst.....	Philadelphia.....	.....
February 8, 1866.....	Samuel L. Taylor.....	Philadelphia.....	April 12, 1866

RHODE ISLAND.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
February 27, 1866.....	Henry Martin.....	Providence.....

SOUTH CAROLINA.

March 7, 1866.....	Nathaniel Levan.....	South Carolina.....
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TEXAS.

April 7, 1866.....	Christopher Dart.....	Houston.....
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VIRGINIA.

December 9, 1865.....	John Johns, Jr.....	Richmond	February 23, 1866
February 8, 1866.....	D. H. Loudon.....	Richmond
February 12, 1866.....	Thomas W. Upshur.....	Richmond .....	.....

WISCONSIN.

April 10, 1865.....	Francis Bloodgood.....	Milwaukee.....	September 26, 1865
May 31, 1865.....	James Chapman.....	La Point .....	.....

DISTRICT OF COLUMBIA.

April 10, 1865.....	H. C. Spalding.....	Washington.....	June 5, 1865
January 19, 1865.....	John F. Callan.....	Washington.....	.....
February 20, 1866.....	Frederick Koones.....	Washington.....	.....
April 20, 1866.....	John S. Hollinshed.....	Washington.....	.....

ARIZONA TERRITORY.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
July 2, 1863.....	Frank H. Skinner.....	.....	July 20, 1863
July 8, 1863	M. D. Fairchild.....	.....	.....
July 27, 1863	C. W. C. Rowell.....	.....	August 30, 1863
August 6, 1863.....	George G. Webster .....	.....	August 27, 1863
August 11, 1863.....	Charles H. Brinley	La Paz.....	September 14, 1863
October 20, 1863.....	Frederick A. Wilder.....	.....	November 7, 1863
January 12, 1864.....	James Dunlevy.....	La Paz.....	.....
January 25, 1864.....	William Butterfield.....	Castle Dome City.....	February 23, 1864
March 12, 1864.....	Charles G. Johnson.....	La Paz.....	October 8, 1864
April 23, 1864.....	Edward Carlson.....	Fort Mojave.....	October 29, 1864
May 3, 1864.....	J. Roiland Hayes.....	El Dorado Cañon.....	.....
January 6, 1865.....	William L. Berry	Prescott.....	January 20, 1865

IDAHO TERRITORY.

February 18, 1864.....	Lewis H. Robie	Bannock City	February 19, 1864
March 14, 1864.....	William A. Buel.....	Boise City.....	.....
March 16, 1864.....	S. W. Corey.....	.....	.....
March 18, 1864.....	Charles F. Blake	Idaho.....	.....
March 22, 1864.....	I. T. Brown	Bannock City.....	.....
April 23, 1864.....	William Wilmending	Bannock City.....	.....
July 23, 1864.....	John C. Henley.....	Idaho City .....	.....
October 3, 1864.....	Jerome B. Knight.....	.....	.....
January 19, 1865.....	A. Raphael	Idaho City	June 13, 1865
March 1, 1865.....	Thomas M. Pomeroy.....	Lewiston	April 17, 1865
March 6, 1865.....	W. R. Keithley	Idaho City.....	May 5, 1865
March 11, 1865.....	O. S. Tibbits .....	.....	.....
December 8, 1865.....	James Lyman.....	Owyhee .....	.....
April 23, 1866.....	Eliansen S. Penwell.....	Soda Springs.....	.....

MONTANA TERRITORY.

March 8, 1866	James Thompson.....	Virginia City .....	.....
May 3, 1866	J. B. Johnson.....	Blackfoot City .....	.....

TERRITORY OF NEW MEXICO.

March 5, 1863.....	Mahlon D. Fairchild.....	New Mexico .....	.....
April 1, 1863.....	Frederick G. Fitch.....	La Paz .....	.....
April 7, 1863.....	C. H. Brinley.....	.....	.....
July 10, 1863	Theodore S. Greiner.....	Santa Fe	July 23, 1864
July 27, 1864	John Watt.....	Santa Fe	February 28, 1865
September 27, 1864.....	Sarril Ellison.....	Santa Fe .....	.....
June 6, 1865.....	William W. Beman	Mesilla .....	.....

UTAH TERRITORY.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
March 22, 1864	Patrick Lynch.....	Salt Lake City.....	.....
November 1, 1864.....	Joseph A. Thompson ...	Salt Lake City.....	.....

WASHINGTON TERRITORY.

February 28, 1865.....	H. Parker.....	Walla Walla.....	.....
May 29, 1865.....	H. E. Johnson	Walla Walla	June 29, 1865

CHINESE EMPIRE.

December 17, 1862.....	Gideon Nye, Jr.....	Macao
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KINGDOM OF GREAT BRITAIN AND IRELAND.

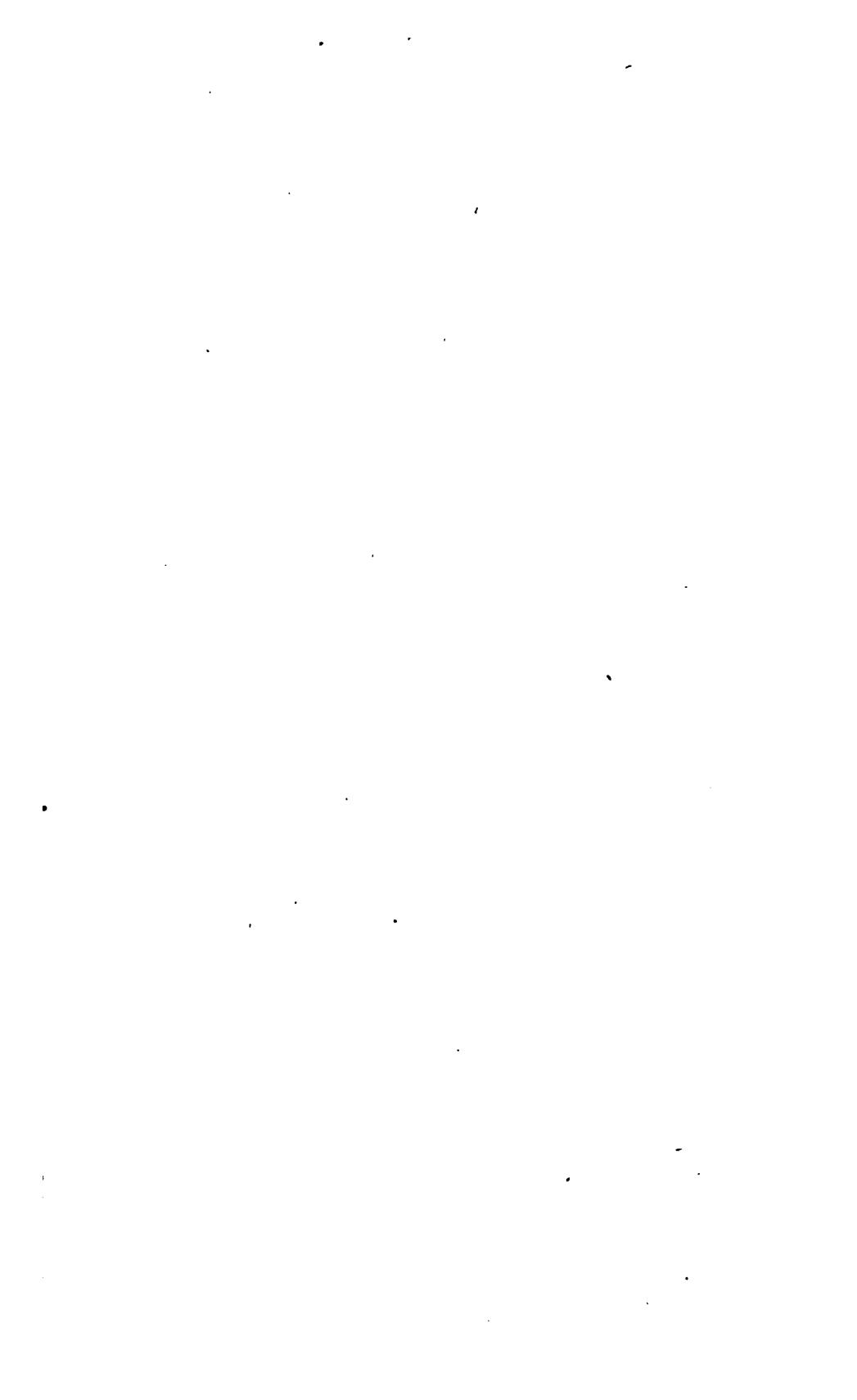
May 28, 1864.....	John Copeland.....	Victoria, V. I.....	September 13, 1864
December 8, 1865.....	John H. Grain.....	London.....	.....
December 8, 1865.....	William Grain.....	London.

REPUBLIC OF MEXICO.

March 31, 1864.....	W. P. Jones.....	Sinaloa
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KINGDOM OF SIAM.

December 17, 1862.....	J. P. Goodale.....	Bangkok.
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C O N S T I T U T I O N
OF THE
STATE OF CALIFORNIA.



CONSTITUTION OF THE STATE OF CALIFORNIA.

ADOPTED BY THE CONVENTION, OCTOBER TENTH, EIGHTEEN HUNDRED AND FORTY-NINE; RATIFIED BY THE PEOPLE, NOVEMBER THIRTEENTH, EIGHTEEN HUNDRED AND FORTY-NINE; PROCLAIMED, DECEMBER TWENTIETH, EIGHTEEN HUNDRED AND FORTY-NINE; AND AMENDED, EIGHTEEN HUNDRED AND SIXTY-TWO.

We, The People of California, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

Sect. 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness.

Sect. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people; and they have the right to alter or reform the same, whenever the public good may require it.

Sect. 3. The right of trial by jury shall be secured to all, and remain inviolate for ever; but a jury trial may be waived by the parties, in all civil cases, in the manner to be prescribed by law.

Sect. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience, hereby secured, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

Sect. 5. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

Sect. 6. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

Sect. 7. All persons shall be bailable by sufficient sureties, unless for capital offences when the proof is evident or the presumption great.

Sect. 8. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep with the consent of Congress in time of peace, and in cases of petit larceny, under the regulation of the Legislature) unless on presentment or indictment of a grand jury; and in any trial in any Court whatever, the party accused shall be allowed to appear and defend in person and with counsel, as in civil actions. No persons shall be subject to be twice put in jeopardy for the same offence; nor shall he be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Sect. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge

the liberty of speech or of the press. In all criminal prosecutions on indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

SEC. 10. The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

SEC. 11. All laws of a general nature shall have uniform operation.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace; and in time of war no appropriation for a standing army shall be for a longer time than two years.

SEC. 13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner to be prescribed by law.

SEC. 14. Representation shall be apportioned according to population.

SEC. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

SEC. 17. Foreigners who are or who may hereafter become bona fide residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native born citizens.

SEC. 18. Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State.

SEC. 19. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue, but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

SEC. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open Court.

SEC. 21. This enumeration of rights shall not be construed to impair or deny others retained by the people.

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. Every white male citizen of the United States, and every white male citizen of Mexico who shall have elected to become a citizen of the United States, under the Treaty of Peace exchanged and ratified at Querétaro, on the thirteenth day of May, eighteen hundred and forty-eight, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county or district in which he claims his vote thirty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law; provided, that nothing herein contained shall be construed to prevent the Legislature, by a two thirds concurrent vote, from admitting to the right of suffrage, Indians, or the descendants of Indians, in such special cases as such a proportion of the legislative body may deem just and proper.

SEC. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election during their attendance at such election, going to and returning therefrom.

SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept at any alms house or other asylum at public expense; nor while confined in any public prison.

SEC. 5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

SEC. 6. All elections by the people shall be by ballot.

ARTICLE III.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the Government of the State of California shall be divided into three separate departments: the Legislative, the Executive, and Judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases hereinafter expressly directed, permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California, and the enacting clause of every law shall be as follows: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

Sec. 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of December next ensuing the election of its members, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation. No session shall continue longer than one hundred and twenty days.—[Amended, 1862.]

Sec. 3. The members of the Assembly shall be chosen biennially, by the qualified electors of their respective districts, on the first Wednesday in September, unless otherwise ordered by the Legislature, and their term of office shall be two years.—[Amended, 1862.]

Sec. 4. Senators and members of Assembly shall be duly qualified electors in the respective counties and districts which they represent.

Sec. 5. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly; and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State and of the county or district for which he shall be chosen one year next before his election.—[Amended, 1862.]

Sec. 6. The number of Senators shall not be less than one third, nor more than one half, of that of the members of the Assembly; and at the first session of the Legislature after this section takes effect, the Senators shall be divided by lot, as equally as may be, into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one half shall be chosen biennially.—[Amended, 1862.]

Sec. 7. When the number of Senators is increased, they shall be apportioned by lot, so as to keep the two classes as nearly equal in number as possible.

Sec. 8. Each House shall choose its own officers, and judge of the qualifications, elections, and returns of its own members.

Sec. 9. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each House may provide.

Sec. 10. Each House shall determine the rules of its own proceedings, and may, with the concurrence of two thirds of all the members elected, expel a member.

Sec. 11. Each House shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either House on any question shall, at the desire of any three members present, be entered on the journal.

Sec. 12. Members of the Legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

Sec. 13. When vacancies occur in either House, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

Sec. 14. The doors of each House shall be open, except on such occasions as, in the opinion of the House, may require secrecy.

Sec. 15. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Sec. 16. Any bill may originate in either House of the Legislature, and all bills passed by one House may be amended in the other.

Sec. 17. Every bill which may have passed the Legislature, shall, before it becomes a law, be presented to the Governor. If he approve it he shall sign it, but if not he shall return it, with his objections, to the House in which it originated, which shall enter the same upon the journal, and proceed to reconsider it. If, after such reconsideration, it again pass both Houses, by yeas and nays, by a majority of two thirds of the members of each House present, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him, (Sundays excepted,) the same shall be a law, in like manner as if he had signed it, unless the Legislature, by adjournment, prevent such return.

Sec. 18. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two thirds of the members present.

Sec. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Justices of the Supreme Court, and Judges of the District Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall, nevertheless, be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried for misdemeanors in office in such a manner as the Legislature may provide.

Sec. 20. No Senator or member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been

created or the emoluments of which shall have been increased, during such term, except such offices as may be filled by election by the people.

Sec. 21. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; *provided*, that officers in the militia, to which there is attached no annual salary, or local officers, and Postmasters, whose compensation does not exceed five hundred dollars per annum, shall not be deemed lucrative.

Sec. 22. No person who shall be convicted of the embezzlement or defalcation of the public funds of this State shall ever be eligible to any office of honor, trust, or profit, under this State; and the Legislature shall, as soon as practicable, pass a law providing for the punishment of such embezzlement or defalcation as a felony.

Sec. 23. No money shall be drawn from the Treasury but in consequence of appropriations made by law. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws at every regular session of the Legislature.

Sec. 24. The members of the Legislature shall receive for their services a compensation to be fixed by law, and paid out of the public Treasury; but no increase of the compensation shall take effect during the term for which the members of either House shall have been elected.

Sec. 25. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title; and no law shall be revised or amended by reference to its title; but in such case the Act revised or section amended shall be re-enacted and published at length.

Sec. 26. No divorce shall be granted by the Legislature.

Sec. 27. No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.

Sec. 28. The enumeration of the inhabitants of this State shall be taken, under the direction of the Legislature, in the year one thousand eight hundred and fifty-two, and one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and these enumerations, together with the census that may be taken under the direction of the Congress of the United States, in the year one thousand eight hundred and fifty, and every subsequent ten years, shall serve as the basis of representation in both Houses of the Legislature.

Sec. 29. The number of Senators and members of Assembly shall, at the first session of the Legislature held after the enumerations herein provided for are made, be fixed by the Legislature, and apportioned among the several counties and districts to be established by law, according to the number of white inhabitants. The number of members of Assembly shall not be less than twenty-four, nor more than thirty-six, until the number of inhabitants within this State shall amount to one hundred thousand; and, after that period, in such ratio that the whole number of members of Assembly shall never be less than thirty, nor more than eighty.

Sec. 30. When a Congressional, Senatorial, or Assembly District shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county shall be divided in forming a Congressional, Senatorial, or Assembly District, so as to attach one portion of a county to another county; but the Legislature may divide each county into as many Congressional, Senatorial, or Assembly Districts, as such county may by apportionment be entitled to.—[Amended, 1862.]

Sec. 31. Corporations may be formed under general laws, but shall not be created by special Act, except for municipal purposes. All general laws and special Acts passed pursuant to this section may be altered from time to time, or repealed.

Sec. 32. Dues from corporations shall be secured by such individual liability of the corporation and other means as may be prescribed by law.

Sec. 33. The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all Courts, in like cases as natural persons.

Sec. 34. The Legislature shall have no power to pass any Act granting any charter for banking purposes; but associations may be formed, under general laws, for the deposit of gold and silver; but no such associations shall make, issue, or put in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money.

Sec. 35. The Legislature of this State shall prohibit by law any person or persons, association, company, or corporation, from exercising the privileges of banking, or creating paper to circulate as money.

Sec. 36. Each stockholder of a corporation or joint stock association shall be individually and personally liable for his proportion of all its debts and liabilities.

Sec. 37. It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporations.

Sec. 38. In all elections by the Legislature, the members thereof shall vote *viva voce*, and the votes shall be entered on the journal.

Sec. 39. In order that no inconvenience may result to the public service from the taking effect of the amendments proposed to Article Four by the Legislature of eighteen hundred and sixty-one, no officer shall be suspended or superseded thereby, until the election and qualification of the several officers provided for in said amendments.—[Amended, 1862.]

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme Executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California.

SEC. 2. The Governor shall be elected by the qualified electors, at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday in December subsequent to his election, and until his successor is elected and qualified.—
[Amended, 1862.]

SEC. 3. No person shall be eligible to the office of Governor (except at the first election) who has not been a citizen of the United States and a resident of this State two years next preceding the election, and attained the age of twenty-five years at the time of said election.

SEC. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of said persons so having an equal and the highest number of votes, for Governor.

SEC. 5. The Governor shall be Commander-in-Chief of the militia, the army, and navy of this State.

SEC. 6. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the Executive Department, upon any subject relating to the duties of their respective offices.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

SEC. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, and shall state to both Houses, when assembled, the purpose for which they shall have been convened.

SEC. 10. He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

SEC. 11. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; provided, it be not beyond the time fixed for the meeting of the next Legislature.

SEC. 12. No person shall, while holding any office under the United States or this State, exercise the office of Governor, except as hereinafter expressly provided.

SEC. 13. The Governor shall have the power to grant reprieves and pardons after conviction, for all offences except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have the power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the pardon or reprieve.

SEC. 14. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of California."

SEC. 15. All grants and commissions shall be in the name and by the authority of The People of the State of California, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 16. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner, as the Governor; and his term of office, and his qualifications of eligibility, shall also be the same. He shall be President of the Senate, but shall only have a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President of the Senate shall act as Governor until the vacancy be filled, or the disability shall cease.

SEC. 17. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue Commander-in-Chief of all the military force of the State.

SEC. 18. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General, shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor, and whose term of office shall be the same as the Governor.—
[Amended, 1862.]

Sec. 19. The Secretary of State shall keep a fair record of the official acts of the Legislative and Executive Departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as many be assigned him by law; and in order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said Article Five by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded or suspended thereby, until the election and qualification of the several officers provided for in said amendments.—[Amended, 1862.]

Sec. 20. The Controller, Treasurer, Attorney-General, and Surveyor-General, shall be chosen by joint vote of the two Houses of the Legislature, at their first session under this Constitution, and thereafter shall be elected at the same time and places and in the same manner as the Governor and Lieutenant-Governor.

Sec. 21. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General, shall each, at stated times during their continuance in office, receive for their services a compensation, which shall not be increased or diminished during the term for which they shall have been elected; but neither of these officers shall receive for his own use any fees for the performance of his official duties.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The Judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, in Probate Courts, and in Justices of the Peace, and in such Recorders' and other inferior Courts as the Legislature may establish in any incorporated city or town.—[Amended, 1862.]

Sec. 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices. The presence of three Justices shall be necessary for the transaction of business, excepting such business as may be done at Chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment.—[Amended, 1862.]

Sec. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at special elections to be provided by law, at which elections no officer other than judicial shall be elected, except a Superintendent of Public Instruction. The first election for Justices of the Supreme Court shall be held in the year eighteen hundred and sixty-three. The Justices shall hold their offices for the term of ten years from the first day of January next after their election, except those elected at the first election, who, at their first meeting, shall so classify themselves by lot, that one Justice shall go out of office every two years. The Justice having the shortest term to serve shall be the Chief Justice.—[Amended, 1862.]

Sec. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; also, in all cases arising in the Probate Courts; and also, in all criminal cases amounting to felony on questions of law alone. The Court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and also, all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State, upon petition on behalf of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any District Court, or any County Court, in the State, or before any Judge of said Courts.—[Amended, 1862.]

Sec. 5. The State shall be divided, by the Legislature of eighteen hundred and sixty three, into fourteen Judicial Districts, subject to such alteration, from time to time, by a two thirds vote of all the members elected to both Houses, as the public good may require; in each of which there shall be a District Court, and for each of which a District Judge shall be elected by the qualified electors of the District, at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by section three of this Article. The District Judges shall hold their offices for the term of six years from the first day of January next after their election. The Legislature shall have no power to grant leave of absence to a judicial officer, and any such officer who shall absent himself from the State for upwards of thirty consecutive days, shall be deemed to have forfeited his office.—[Amended, 1862.]

Sec. 6. The District Courts shall have original jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; and also, in all criminal cases not otherwise provided for. The District Courts and their Judges shall have power to issue writs of habeas corpus, on petition by or on behalf of any person held in actual custody in their respective districts.—[Amended, 1862.]

Sec. 7. There shall be, in each of the organized counties of the State, a County Court, for each of which a County Judge shall be elected by the qualified electors of the county, at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by section three of this Article. The County Judges shall hold their offices for the term of four years from the first day of January next after their election. Said Courts shall also have power to issue naturalization papers. In the City and County of San Francisco, the Legislature may separate

the office of Probate Judge from that of County Judge, and may provide for the election of a Probate Judge, who shall hold his office for the term of four years.—[Amended, 1862.]

Sec. 8. The County Courts shall have original jurisdiction of actions of forcible entry and detainer, of proceedings in insolvency, of actions to prevent or abate a nuisance, and of all such special cases and proceedings as are not otherwise provided for; and also such criminal jurisdiction as the Legislature may prescribe; they shall also have appellate jurisdiction in all cases arising in Courts held by Justices of the Peace and Recorders, and in such inferior Courts as may be established in pursuance of section one of this Article, in their respective counties. The County Judges shall also hold in their several counties Probate Courts, and perform such duties as Probate Judges as may be prescribed by law. The County Courts and their Judges shall also have power to issue writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties.—[Amended, 1862.]

Sec. 9. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and fix by law their powers, duties, and responsibilities; provided, such powers shall not in any case trench upon the jurisdiction of the several Courts of record. The Supreme Court, the District Courts, County Courts, the Probate Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of record.—[Amended, 1862.]

Sec. 10. The Legislature shall fix by law the jurisdiction of any Recorder's or other inferior municipal Court which may be established in pursuance of section one of this Article, and shall fix by law the powers, duties, and responsibilities of the Judges thereof.—[Amended, 1862.]

Sec. 11. The Legislature shall provide for the election of a Clerk of the Supreme Court, County Clerks, District Attorneys, Sheriffs, and other necessary officers, and shall fix by law their duties and compensation. County Clerks shall be ex officio Clerks of the Courts of record in and for their respective counties. The Legislature may also provide for the appointment by the several District Courts of one or more Commissioners in the several counties of their respective districts, with authority to perform Chamber business of the Judges of the District Courts and County Courts, and also to take depositions, and to perform such other business connected with the administration of justice as may be prescribed by law.—[Amended, 1862.]

Sec. 12. The times and places of holding the terms of the several Courts of record shall be provided for by law.—[Amended, 1862.]

Sec. 13. No judicial officer, except Justices of the Peace, Recorders, and Commissioners, shall receive to his own use any fees or perquisites of office.—[Amended, 1862.]

Sec. 14. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient; and all opinions shall be free for publication by any person.—[Amended, 1862.]

Sec. 15. The Justices of the Supreme Court, District Judges, and County Judges, shall severally, at stated times during their continuance in office, receive for their services a compensation, which shall not be increased or diminished during the term for which they shall have been elected; provided, that County Judges shall be paid out of the County Treasury of their respective counties.—[Amended, 1862.]

Sec. 16. The Justices of the Supreme Court, and the District Judges, and the County Judges, shall be ineligible to any other office than a judicial office during the term for which they shall have been elected.—[Amended, 1862.]

Sec. 17. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.—[Amended, 1862.]

Sec. 18. The style of all process shall be: "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.—[Amended, 1862.]

Sec. 19. In order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said Article Six by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded thereby, nor shall the organization of the several Courts be changed thereby, until the election and qualification of the several officers provided for in said amendments.—[Amended, 1862.]

ARTICLE VII.

MILITIA.

SECTION 1. The Legislature shall provide by law for organizing and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

Sec. 2. Officers of the militia shall be elected or appointed, in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor.

Sec. 3. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

ARTICLE VIII.

STATE DEBTS.

SECTION 1. The Legislature shall not in any manner create any debt or debts, liability or liabilities, which shall, singly or in the aggregate, with any previous debts or liabilities, exceed

the sum of three hundred thousand dollars, except in case of war, to repel invasion, or suppress insurrection, unless the same shall be authorized by some law for some single object or work, to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created; and such law shall be published in at least one newspaper in each Judicial District, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people.

ARTICLE IX.

EDUCATION.

SECTION 1. A Superintendent of Public Instruction shall, at the special election for judicial officers, to be held in the year eighteen hundred and sixty-three, and every four years thereafter at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election.—[Amended, 1862.]

SEC. 2. The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that may be granted by the United States to this State for the support of schools, which may be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an Act of Congress distributing the proceeds of the Public Lands among the several States of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

SEC. 3. The Legislature shall provide for a system of common schools, by which a school shall be kept up and supported in each district at least three months in every year, and any School District neglecting to keep up and support such a school may be deprived of its proportion of the interest of the public fund during such neglect.

SEC. 4. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State for the use of a university; and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said university, with such branches as the public convenience may demand, for the promotion of literature, the arts, and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the Legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said university.

ARTICLE X.

MODE OF AMENDING AND REVISING THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if in the Legislature next chosen aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall become part of the Constitution.

SEC. 2. And if, at any time, two thirds of the Senate and Assembly shall think it necessary to revise or change this entire Constitution, they shall recommend to the electors at the next election for members of the Legislature to vote for or against a Convention, and if it shall appear that a majority of the electors, voting at such election, have voted in favor of calling a Convention, the Legislature shall, at its next session, provide, by law, for calling a Convention, to be held within six months after the passage of such law; and such Convention shall consist of a number of members not less than that of both branches of the Legislature. The Constitution that may have been agreed upon and adopted by such Convention, shall be submitted to the people, at a special election, to be provided for by law, for their ratification or rejection; each voter shall express his opinion by depositing in the ballot box a ticket, whereon shall be written or printed, the words "For the New Constitution," or "Against the New Constitution." The returns of such election shall, in such manner as the Convention shall direct, be certified to the Executive.

of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the votes so certified to him. If, by such examination, it be ascertained that a majority of the whole number of votes cast at such election be in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California.—[Amended November 4, 1856.]

ARTICLE XL.

MISCELLANEOUS PROVISIONS.

Sect. 1. The first session of the Legislature shall be held at the Pueblo de San José, which place shall be the permanent seat of government until removed by law; provided, however, that two thirds of all the members elected to each House of the Legislature shall concur in the passage of such law.

Sect. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit or to enjoy the right of suffrage under this Constitution.

Sect. 3. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of _____, according to the best of my ability."

And no other oath, declaration, or test, shall be required as a qualification for any office or public trust.

Sect. 4. The Legislature shall establish a system of county and town governments, which shall be as nearly uniform as practicable throughout the State.

Sect. 5. The Legislature shall have power to provide for the election of a Board of Supervisors in each county; and these Supervisors shall jointly and individually perform such duties as may be prescribed by law.

Sect. 6. All officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

Sect. 7. When the duration of any office is not provided for by this Constitution, it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment; nor shall the duration of any office, not fixed by this Constitution, ever exceed four years.

Sect. 8. The fiscal year shall commence on the first day of July.

Sect. 9. Each county, town, city, and incorporated village, shall make provision for the support of its own officers, subject to such restrictions and regulations as the Legislature may prescribe.

Sect. 10. The credit of the State shall not, in any manner, be given or loaned to or in aid of any individual, association, or corporation; nor shall the State, directly or indirectly, become a stockholder in any association or corporation.

Sect. 11. Suits may be brought against the State in such manner and in such Courts as shall be directed by law.

Sect. 12. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

Sect. 13. Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law; but Assessors and Collectors of town, county, and State taxes, shall be elected by the qualified electors of the district, county, or town, in which the property taxed for State, county, or town purposes is situated.

Sect. 14. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterwards by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property, as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

Sect. 15. The Legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

Sect. 16. No perpetuities shall be allowed except for eleemosynary purposes.

Sect. 17. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

Sect. 18. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

Sect. 19. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

SEC. 20. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

SEC. 21. All laws, decrees, regulations, and provisions, which from their nature require publication, shall be published in English and Spanish.

ARTICLE XII.

BOUNDARY.

SECTION I. The boundary of the State of California shall be as follows:

Commencing at the point of intersection of forty-second degree of north latitude with the one hundred twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred twentieth degree of west longitude, until it intersects the thirty-ninth degree of north latitude; thence running in a straight line, in a southeasterly direction, to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river, to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence running west, and along said boundary line, to the Pacific Ocean, and extending therein three English miles; thence running in a northwesterly direction, and following the direction of the Pacific Coast, to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude, to the place of beginning. Also, all the islands, harbors, and bays, along and adjacent to the coast.

SCHEDULE.

SECTION 1. All rights, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution, and not inconsistent therewith, until altered or repealed by the Legislature, shall continue as if the same had not been adopted.

SEC. 2. The Legislature shall provide for the removal of all causes which may be pending when this Constitution goes into effect, to Courts created by the same.

SEC. 3. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no office shall be superseded thereby, nor the laws relative to the duties of the several officers be changed, until the entering into office of the new officers to be appointed under this Constitution.

SEC. 4. The provisions of this Constitution concerning the term of residence necessary to enable persons to hold certain offices herein mentioned, shall not be held to apply to officers chosen by the people at the first election, or by the Legislature at its first session.

SEC. 5. Every citizen of California, declared a legal voter by this Constitution, and every citizen of the United States, a resident of this State on the day of election, shall be entitled to vote at the first general election under this Constitution, and on the question of the adoption thereof.

SEC. 6. This Constitution shall be submitted to the people, for their ratification or rejection, at the general election to be held on Tuesday, the thirteenth day of November next. The Executive of the existing Government of California is hereby requested to issue a proclamation to the people, directing the Prefects of the several districts, or in case of vacancy, the Sub-Prefects, or Senior Judge of First Instance, to cause such election to be held on the day aforesaid, in their respective districts. The election shall be conducted in the manner which was prescribed for the election of Delegates to this Convention, except that the Prefects, Sub-Prefects, or Senior Judge of First Instance, ordering such election in each district, shall have power to designate any additional number of places for opening the polls, and that, in every place of holding the election, a regular poll list shall be kept by the Judges and Inspectors of Election. It shall also be the duty of these Judges and Inspectors of Election, on the day aforesaid, to receive the votes of the electors qualified to vote at such election. Each voter shall express his opinion by depositing in the ballot box a ticket, whereon shall be written or printed, "For the Constitution," or "Against the Constitution," or some such words as will distinctly convey the intention of the voter. These Judges and Inspectors shall also receive the votes for the several officers to be voted for at the said election as herein provided. At the close of the election, the Judges and Inspectors shall carefully count each ballot, and forthwith make duplicate returns thereof to the Prefect, Sub-Prefect, or Senior Judge of First Instance, as the case may be, of their respective districts; and said Prefect, Sub-Prefect, or Senior Judge of First Instance, shall transmit one of the same, by the most safe and rapid conveyance, to the Secretary of State. Upon the receipt of said returns, or on the tenth day of December next, if the returns be not sooner received, it shall be the duty of a Board of Canvassers, to consist of the Secretary of State, one of the Judges of the Superior Court, the Prefect, Judge of First Instance, and an Alcalde of the District of Monterey, or any three of the aforementioned officers, in the presence of all who shall choose to attend, to compare the votes given at said election, and to immediately publish an abstract of the same in one or more of the newspapers of California. And the Executive will also, immediately after ascertaining that the Constitution has been ratified by the people, make proclamation of the fact; and thenceforth this Constitution shall be ordained and established as the Constitution of California.

SEC. 7. If this Constitution shall be ratified by the people of California, the Executive of the existing Government is hereby requested, immediately after the same shall be ascertained, in the manner herein directed, to cause a fair copy thereof to be forwarded to the President of the United States, in order that he may lay it before the Congress of the United States.

Sec. 8. At the general election aforesaid, viz: the thirteenth day of November next, there shall be elected a Governor, Lieutenant-Governor, Members of the Legislature, and also, two Members of Congress.

Sec. 9. If this Constitution shall be ratified by the people of California, the Legislature shall assemble at the seat of government on the fifteenth day of December next, and in order to complete the organization of that body, the Senate shall elect a President *pro tempore*, until the Lieutenant-Governor shall be installed into office.

Sec. 10. On the organization of the Legislature, it shall be the duty of the Secretary of State to lay before each House a copy of the abstract made by the Board of Canvassers, and, if called for, the original returns of election, in order that each House may judge of the correctness of the report of said Board of Canvassers.

Sec. 11. The Legislature, at its first session, shall elect such officers as may be ordered by this Constitution to be elected by that body, and within four days after its organization, proceed to elect two Senators to the Congress of the United States. But no law passed by this Legislature shall take effect until signed by the Governor after his installation into office.

Sec. 12. The Senators and Representatives of the Congress of the United States, elected by the Legislature and people of California, as herein directed, shall be furnished with certified copies of this Constitution, when ratified, which they shall lay before the Congress of the United States, requesting, in the name of the people of California, the admission of the State of California into the American Union.

Sec. 13. All officers of this State, other than Members of the Legislature, shall be installed into office on the fifteenth day of December next, or as soon thereafter as practicable.

Sec. 14. Until the Legislature shall divide the State into counties and Senatorial and Assembly Districts, as directed by this Constitution, the following shall be the apportionment of the two Houses of the Legislature, viz: the Districts of San Diego and Los Angeles shall jointly elect two Senators; the Districts of Santa Barbara and San Luis Obispo shall jointly elect one Senator; the District of Monterey, one Senator; the District of San José, one Senator; the District of San Francisco, two Senators; the District of Sonoma, one Senator; the District of Sacramento, four Senators; and the District of San Joaquin, four Senators. And the District of San Diego shall elect one member of the Assembly; the District of Los Angeles, two members of Assembly; the District of Santa Barbara, two members of Assembly; the District of San Luis Obispo, one member of Assembly; the District of Monterey, two members of Assembly; the District of San José, three members of Assembly; the District of San Francisco, five members of Assembly; the District of Sonoma, two members of Assembly; the District of Sacramento, nine members of Assembly; and the District of San Joaquin, nine members of Assembly.

Sec. 15. Until the Legislature shall otherwise direct, in accordance with the provisions of the Constitution, the salary of the Governor shall be ten thousand dollars per annum; and the salary of the Lieutenant-Governor shall be double the pay of a State Senator; and the pay of Members of the Legislature shall be sixteen dollars per diem while in attendance, and sixteen dollars for every twenty miles travel by the usual route from their residences to the place of holding the session of the Legislature, and in returning therefrom. And the Legislature shall fix the salaries of all officers other than those elected by the people at the first election.

Sec. 16. The limitation of the powers of the Legislature contained in Article Eighth of this Constitution shall not extend to the first Legislature elected under the same, which is hereby authorized to negotiate for such amount as may be necessary to pay the expenses of the State Government.

W. G. MARCY, Secretary.

R. SEMPLE,
President, and Delegate from Benicia.

JOSEPH ARAM,
CH. T. BOTT,
ELAM BROWN,
ELISHA O. CROSBY,
JOSÉ M. COVARUBIAS,
STEPHEN C. FOSTER,
PABLO DE LA GUERRA,
LEWIS DENT,
KIMBALL H. DIMMICK,
A. J. ELLIS,
JOSÉ ANTO. CARRILLO,
WM. M. GWIN,
EDW. GILBERT,
HENRY HILL,
J. D. HOPPE,
JOSEPH HOBSON,
JULIAN HANKS,
H. W. HALLECK,
L. W. HASTINGS,
J. McHENRY HOLLINGSWORTH,
JAS. McHALL JONES,
THOMAS O. LARKIN,
FRANCIS J. LIPPITT,
BENJ. S. LIPPINGCOTT,

BENJ. F. MOORE,
RODMAN M. PRICE,
JNO. McDUGAL,
MAN'L DOMINGUEZ,
MYRON NORTON,
PACIFICUS ORD,
MIGUEL D. PEDRORENA,
M. M. McCARVER,
ANTONIO MA. PICO,
JACINTO RODRIGUEZ,
HUGH REID,
J. A. SUTTER,
JACOB R. SNYDER,
WINFIELD SCOTT SHERWOOD,
WILLIAM E. SHANNON,
ABEL STEARNS,
P. SANSEVAIN,
WM. M. STEUART,
HENRY A. TEFFT,
M. G. VALLEJO,
THOS. L. VERMEULE,
J. P. WALKER,
O. M. WOZENCRAFT.



PROCLAMATIONS.



PROCLAMATIONS.

PROCLAMATION OF THANKSGIVING.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, November 4th, 1861. }

There is a moral grandeur in the public acknowledgment of Divine goodness. Political institutions, however excellent, do not constitute the only source of happiness to the people; for underlying these are the finer moral elements essential in the creation of national greatness and individual well being. This was well understood by the immortal men who bequeathed us this glorious inheritance of ours. It was thought to be eminently proper by those great and good men whose fame has rendered our country illustrious, that the State should, by its public acts, pay becoming respect to these observances, and thus encourage individual respect for public and private virtues, and veneration for the Supreme Being. Infused with these sentiments, the Executive of this Commonwealth takes peculiar interest in again providing for a public recognition of the Divine source of all our blessings, and a public manifestation of the gratitude of the people for the same. To be grateful is to enjoy the gifts of Heaven, while the simple expression of our thankfulness is all the return we can make for the possession of these many blessings.

California, in all the ardor of her youth, this day rejoices in the fulness of her prosperity. The earth has yielded forth its fruits for her in overwhelming abundance. Her treasures of gold have not been exhausted, while she has enlarged her contributions to the wealth of her sister States and other lands. The increase of her flocks and herds, luxuriating on her abundant pastures, under her benign skies, animates her hills and valleys with visions of gladness. Her homes are full of peace and plenty. War, famine, and pestilence, have not invaded her happy abodes; nor from any such unnatural cause is there heard the wail of sorrow, nor the lamentations of the widow, nor the cry of the orphan within her borders.

Multitudes have been added to her thriving population during the year, to enjoy with us the rich munificence of Heaven, and to aid us in extending the conquest of a superior civilization. No other land has been so highly favored, in all the elements of material progress, as this beautiful heritage of ours. And while the homes of our people are filled with contentment and peace, may they be distinguished as the habitations of wisdom, justice, charity, and love.

Now, therefore, I, John G. Downey, Governor of the State of California, do hereby appoint and set apart Thursday, the twenty-eighth of November, instant, as a day of public thanksgiving to Almighty God for the distinguished mercies and blessings bestowed upon us during the past year. And I call upon all the people to lay aside their daily avocations, to meet in their accustomed religious assemblies, and in all suitable ways, and in all due solemnity, to pour forth their gratitude in prayer and praise to our Heavenly Father for all His goodness, remembering at the same time to supplicate fervently for the speedy removal of our National calamities, and for the perpetuity, in all its power and glory, of that union and equality of States to which, under Providence, we most cheerfully attribute the unparalleled prosperity of our people, and to the existence of which, in its former purity and justice, we look as the main hope, the sheet anchor of civil and religious liberty to ourselves and our posterity.

In testimony whereof, I have hereunto set my hand and caused the Great Seal of the State to be affixed, the day and year above written.

JOHN G. DOWNEY,
Governor of California.

Attest: JOHNSON PRICE, Secretary of State.

SEAL

PROCLAMATION OF THANKSGIVING.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, November 1st, 1862. }

The return of the yearly season, wisely observed since the days of our fathers by public acts of reverence and gratitude to the Giver of all good gifts, reminds us of our duty to give expression to that thankfulness which we as a people should most assuredly experience.

A year of remarkable events is drawing to its close. With us its commencement was signalized by a severity hitherto unknown; storm after storm swept over our State, and repeated floods spread desolation through large portions of our territory; suffering and want usurped the place where before had dwelt comfort and plenty; heavy burdens were imposed upon the generous, charitable, and benevolent, though greatly lightened by the cheerfulness with which they were borne. Throughout the year we have heard from afar the noise of strife and the clash of arms; civil war has raged with varied success, and without decisive results; the National Government has not yet subdued its enemies, nor risen above its perils; the people of the United States have before them a great work to accomplish in delivering the Nation from the dangers by which it is environed. Nevertheless, we have occasion to be grateful to Almighty God for hindering any open active interference of foreign powers with our Government in its endeavors to right itself—for many signal and glorious successes vouchsafed to the National arms by sea and land—for the readiness and alacrity with which the young and brave have rushed to the defence of constitutional liberty—for the assured hope that this most causeless and wicked rebellion will be speedily crushed, and an honorable and lasting peace be established upon the basis designed by the fathers of the country—and for the general prosperity of the loyal States of our Union, where commerce, manufactures, and the arts generally, still flourish in all their former vigor, in striking contrast to the sufferings and convulsions of ungenerous foreign powers.

And here, within our own borders, we have reason to be thankful for public tranquillity and exemption from the deplorable strife that rages in some of our sister States; for our freedom from pestilence and epidemic disease; for the prevalence of a charitable and tolerant spirit towards honest difference of opinion; for the return of verdure to our wasted fields and comfort to our late devastated homes; for abundant harvests and increase of flocks; for the rich and constant yield of our mines; for the success of our manufactures, and the various attempts to diversify our industry; for the flourishing condition of our cities and towns; for an increasing interest in our schools and charitable institutions; for the assurance that the era is at hand when will be inaugurated the great desideratum of California, the iron road of the continent, the world, and age; for the numberless blessings of knowledge, civilization, and liberty, and the institutions of religious freedom; for the unmistakable loyalty and generous sentiments of our population, and for the confidence that the blood of the Nation's children is not a vain offering upon the altar of their country, but a priceless gift that will secure untold blessings to the generations that are to follow.

Now, therefore, I, Leland Stanford, Governor of the State of California, do hereby set apart Thursday, the twenty-seventh day of November, A. D. eighteen hundred and sixty-two, as a day of public thanksgiving and prayer; and I earnestly invite all the people of this young and vigorous Commonwealth to appropriate the day to those uses by assembling in their customary places of worship, with acts of devotion and religion, and by engaging in such services as shall fitly attest all the grateful emotions of reverent and thankful hearts, to the end that it may please God to continue to us His favors, renew His mercies, and crown all His goodness with the smile of His approbation.

In testimony whereof I have hereunto set my hand and caused the Great Seal of the State to be affixed, the day and year above written.

SEAL.

LELAND STANFORD,
Governor of California.

By the Governor:

Wm. H. WEEKS, Secretary of State.

PROCLAMATION.

EXECUTIVE DEPARTMENT,
Sacramento, February 5th, 1863. }

WHEREAS, I have this day received a requisition from Brigadier-General George Wright, commanding the Department of the Pacific of the United States Army, (the same having been made by the authority of the War Department,) for one regiment of infantry additional, and seven companies of cavalry to fill the First Cavalry to the maximum standard of a regiment of cavalry;

also, four companies of Native Californian Cavalry, all to serve for a period of three years, unless sooner discharged the service, to aid in the enforcement of the laws and the suppression of insurrection;

Therefore, the following is promulgated:

The plan of the organization of the above force will be as follows:

The field, staff, and line officers required will be commissioned by the Governor.

One third of the company officers to be raised under this requisition will be commissioned at the commencement of the organization of the regiment of infantry, and the additional companies and battalion of cavalry, and the remainder when the interests of the service may require.

The additional regiment of infantry will be denominated the Sixth Infantry, California Volunteers.

The seven cavalry companies first mentioned will be attached to the First Cavalry, C. V.

The four companies of native cavalry will be organized as a battalion, and be designated as the First Battalion, Native California Cavalry.

The minimum and maximum strength of a regiment of infantry, and of a company of infantry and cavalry, is hereunto appended.

Now, therefore, I, Leland Stanford, Governor of the State of California, do hereby authorize and call upon citizens of this State, as many as shall be necessary to fill up the preceding requisition, to immediately organize themselves into companies as required hereby.

In witness whereof, I have set my hand and caused the Great Seal of the State to be affixed. Done at Sacramento, California, this fifth day of February, in the year of our Lord one thousand eight hundred and sixty-three.

LELAND STANFORD,
Governor.

Attest: Wm. H. WEEKS, Secretary of State.
By A. A. H. TUTTLE, Deputy.

PROCLAMATION.

EXECUTIVE DEPARTMENT,
Sacramento, February 7th, 1863. }

WHEREAS, Brigadier-General George Wright, of the United States Army, commanding the Department of the Pacific, has called upon me for a battalion of six companies of troops (infantry) for special service against the Indians in the Humboldt District, in this State, to serve until discharged by him;

Now, therefore, I, Leland Stanford, Governor of the State of California, and Commander-in-Chief of the Militia thereof, do call upon the citizens of the frontier counties of Humboldt, Mendocino, Trinity, Klamath, Siskiyou, and Del Norte, of this State, as many as shall be necessary to fill up the foregoing requisition, to organize themselves into companies to be mustered into the service of the United States as hereby required.

The requisite officers of this force will be commissioned by the Governor.

Done at Sacramento, California, this seventh day of February, in the year of our Lord one thousand eight hundred and sixty-three.

LELAND STANFORD,
Governor.

Attest: Wm. H. WEEKS, Secretary of State.
By A. A. H. TUTTLE, Deputy.

PROCLAMATION OF THANKSGIVING.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, November 5th, 1863. }

"Let us come before His presence with thanksgiving, and show ourselves glad in Him with Psalms."

In accordance with the Proclamation of the President of the United States, and that the people of our common country may, upon the same occasion, and with the same unanimity of purpose, offer up their grateful Thanksgiving to Him who bestows "every good and perfect gift," I, Leland Stanford, Governor of the State of California, do hereby appoint Thursday, the twenty-sixth day

PROCLAMATIONS.

of November, instant, as a day of public thanksgiving to Almighty God, "for the great benefits we have received at His hands" during the year through which we have just passed.

Let us remember on that day, that in calamity, as in prosperity, there is a God above us who holds in the hollow of His hand not only the lives of individuals, but the destinies of nations. Let us remember that it is to Him we must look for guidance in our public affairs, as well as pray for strength to compass the threatened dangers that surround our beloved country.

While we deplore our condition as a Nation, we have manifold reasons for offering up our united thanksgivings as a community.

Our State, during the past year, has been blessed with prosperity and health. Our farms have yielded of their abundance, and our mines have continued to give up their hidden treasures. We have been free from floods, pestilence, and famine, and, as a State, have known no wide spread calamity. We have enjoyed an unlimited fruitfulness of soil and a genial climate, which we can offer to share with the thousands of other lands who are anxiously seeking new and more peaceful homes.

We are blessed with a generous and sympathizing population, whose hearts have been opened to give munificently of their abundance, that the sufferings of sick and wounded patriots of other States may be relieved.

We have had multiplied and renewed evidences of the loyalty of our people, and have by legislative, elective, and judicial action, deprived the enemies of our country from entering the pernicious wedge of rebellion and dissolution into the cherished institutions of our own favored Commonwealth.

But while we assemble with thankful hearts among the cordial associations of our own happy homes, let us not forget the many desolate households in our sister States, whose altars will be twined with cypress, and whose hearts will be overflowing with desolation, while our own are filled with thanksgivings for the plenitude of Divine protection.

As a Nation, we have been passing through a bitter, trying, and bloody ordeal; but recent events seem to foretell the coming of better and brighter days. And in this we have cause for peculiar thankfulness—and for this and all other mercies vouchsafed to us, let us give to Almighty God our unreserved thanksgivings.

In witness whereof, I have hereunto set my hand, and caused the Great Seal of State to be affixed, the day and year above written.

LELAND STANFORD,
Governor of California.

Attest: A. A. H. TUTTLE, Secretary of State.

PROCLAMATION.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, September 24th, 1864. }

WHEREAS, I have this day received a requisition from Major-General Irvin McDowell, commanding Department of the Pacific, (the same having been made by authority of the Secretary of War,) for one regiment of infantry in addition to the volunteers now in the service of the United States, to aid in the enforcement of the laws, to suppress insurrection, and repel invasion;

Now, therefore, I, Frederick F. Low, Governor of the State of California, and Commander-in-Chief of the Militia thereof, do hereby call upon the citizens of this State to organize themselves into companies, sufficient to fill the foregoing requisition.

In witness whereof, I have hereunto set my hand, and caused the Great Seal of the State of California to be affixed. Done at Sacramento, this twenty-fourth day of September, in the year of our Lord one thousand eight hundred and sixty-four.

FRED'K F. LOW,
Governor of California.

Attest: B. B. REDDING, Secretary of State.
F. W. REDDING, Deputy.

The following is hereby promulgated:
The plan of recruiting and organizing the above force will be as follows:

RECRUITING.

It is desirable that the citizens of one county should undertake to fill a company from the locality. A company rendezvous will be established at some central point in the county, and,

practicable, all recruits will be retained there until the company is filled and ready to be mustered into service.

Correct lists will be kept by the Assistant Provost Marshal General of the volunteers and their places of residence, and proper credits will be given to the several counties, and to the districts into which the counties may be divided, which credits will apply on the quota which may be required of them.

The City and County of San Francisco is hereby set apart for the enlistment of volunteers to fill up the regiments now in the service, and no authorization will be granted for the formation of new companies at that point.

The State has provided by law for the payment of a bounty of one hundred and sixty dollars to each enlisted soldier, and three hundred dollars to each enlisted veteran soldier who shall have served for more than six months in the army of the United States, in addition to the bounties authorized to be paid by the United States. (See Statutes 1863-4, p. 486.)

Five dollars per month while in the service is authorized to be paid by the State in addition to the pay, clothing, and allowances paid by the United States. (See Statutes 1863, p. 662.)

The additional regiment of infantry will be known as the Seventh Infantry, California Volunteers.

The field, staff, and line officers will be commissioned by the Governor.

Commissions will be issued to company officers, conditioned that they shall recruit their respective companies, and be ready to be mustered into the service on or before the tenth of November next.

ORGANIZATION.

The proper organization and strength of a regiment of infantry is as follows:

One (1) Colonel, one (1) Lieutenant-Colonel, one (1) Major, one (1) Adjutant—an extra Lieutenant—one (1) Quartermaster—an extra Lieutenant—one (1) Surgeon, two (2) Assistant Surgeons, one (1) Chaplain, one (1) Sergeant-Major, one (1) Regimental Quartermaster-Sergeant, one (1) Regimental Commissary-Sergeant, and one (1) Hospital Steward.

Ten companies form a regiment.

Company of Infantry.—One (1) Captain, one (1) First Lieutenant, one (1) Second Lieutenant, one (1) First Sergeant, four (4) Sergeants, eight (8) Corporals, two (2) Musicians, one (1) Wagger, sixty-four (64) Privates, minimum, and (82) eighty-two Privates, maximum, besides the non-commissioned officers.

The law does not authorize musicians for companies, but regulations allow the enlistment of two musicians to each company, who will be rated and paid as privates.

PROCLAMATION.

By His Excellency, FRED'K F. LOW, Governor of California:

"Offer unto God thanksgiving; and pay thy vows unto the Most High."

In accordance with the usage which has hitherto prevailed in this State, and in conformity with the recommendation of the President of the United States, I do hereby appoint Thursday, the twenty-fourth day of November, instant, as a day of public thanksgiving and praise to Almighty God; and I do enjoin upon the people of this State that, on the day thus set apart, they rest from all secular labor and assemble in their customary places of worship, and with devout hearts acknowledge His exalted goodness, His loving kindness, and His tender mercies.

Let us thank Him for the measure of health and prosperity that everywhere exists throughout our State; that although the earth has not yielded up its fruits, and the mountains have not sent forth their treasures as in years past, yet want has been kept far from our own doors, and comparative abundance blessed our people; that, as a Nation, we have been scourged by a cruel war, with all the suffering, sorrow, and death which follows in its train; yet within our State the wicked schemes of bad men have been frustrated, and peace reigns within our borders.

Let us thank Him for the great and signal victories that have attended the arms of the Republic both on land and sea during the past year, for the occupation by our army and navy of so many strongholds of the insurgents, for the unity of purpose which is everywhere apparent, that must result in a complete triumph of Liberty, Humanity, and Justice, over treason, anarchy, and barbarism. And above all, let us rejoice at the prospect of an honorable and lasting peace, based upon national unity and obedience to constitutional law.

And, as we gather around the festive board, let us not forget the poor and the needy, or those who are sick or afflicted in our midst; let the wants of the poor be supplied from our abundance, and the wounds of the sick be bound up in the oil and wine with which our hearts overflow.

And while offering up thanksgivings for the successes that have attended our arms, let us not forget the sick and wounded heroes through whose agency God hath given us the victory; let the

beneficent charities which have for their object the relief of these noble men be sustained, and their treasuries filled to overflowing by the free-will offerings of a grateful people.



In witness whereof, I have hereunto set my hand and caused the Great Seal of State to be affixed, at Sacramento, this seventh day of November, A. D. eighteen hundred and sixty-four.

FRED'K F. LOW,
Governor of California.

Attest: B. B. REDDING, Secretary of State.

P R O C L A M A T I O N .

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, November 16th, 1864.

WHEREAS, I have this day received a requisition from Major-General Irvin McDowell, commanding Department of the Pacific, (the same having been made by authority of the Secretary of War,) for one regiment of infantry in addition to the volunteers now in the service of the United States, to aid in the enforcement of the laws, to suppress insurrection, and to repel invasion;

Now, therefore, I, Fred'k F. Low, Governor of the State of California, and Commander-in-Chief of the Militia thereof, do hereby call upon the citizens of this State to organize themselves into companies sufficient to fill the foregoing requisition.



In witness whereof, I have hereunto set my hand and caused the Great Seal of the State to be affixed. Done at Sacramento, this sixteenth day of November, A. D. eighteen hundred and sixty-four.

FRED'K F. LOW,
Governor of California.

B. B. REDDING, Secretary of State.
By F. W. REDDING, Deputy.

The place of recruiting and organizing the above force will be as follows:

RECRUITING.

It is desirable that the citizens of one county should undertake to fill a company from their locality.

Correct lists will be kept by the Assistant Provost Marshal General of the volunteers and their places of residence, and the proper credits will be given to the several counties, and to the districts into which the counties are divided, which credits will apply on the quota which may be required of them.

The State has provided by law for the payment of a bounty of one hundred and sixty dollars to each enlisted soldier, and three hundred dollars to each enlisted veteran soldier who shall have served six months in the army of the United States, in addition to the bounties authorized to be paid by the United States.—(See Statutes 1863-4, p. 486.)

Five dollars per month, while in the service, is authorized to be paid by the State in addition to the pay, clothing, and allowances paid by the United States.—(See Statutes 1863, p. 652.)

The additional regiment of infantry will be known as the Eighth Infantry, California Volunteers.

The field, staff, and line officers will be commissioned by the Governor.

Commissions will be issued to company officers conditioned that they shall recruit their respective companies and be ready to be mustered into the service on or before the first of January, eighteen hundred and sixty-five.

ORGANIZATION.

The proper organization and strength of a regiment of infantry is as follows: One (1) Colonel, one (1) Lieutenant-Colonel, one (1) Major, one (1) Adjutant—an extra Lieutenant—one (1) Quartermaster—an extra Lieutenant—one (1) Surgeon, two (2) Assistant Surgeons, one (1) Chaplain, one (1) Sergeant-Major, one (1) Regimental Quartermaster-Sergeant, one (1) Regimental Commissary-Sergeant, and one (1) Hospital Steward. Ten companies form a regiment.

Company of Infantry.—One (1) Captain, one (1) First Lieutenant, one (4) Second Lieutenant, one (1) First Sergeant, four (4) Sergeants, eight (8) Corporals, two (2) Musicians, one (1) Wagoner, sixty-four (64) Privates, minimum, and eighty-two (82) Privates, maximum, besides the non-commissioned officers.

The law does not authorize musicians for companies, but regulations allow the enlistment of two musicians to each company, who will be rated and paid as privates.

A PROCLAMATION.

By FRED'K F. LOW, Governor of the State of California:

"I humbled my soul with fasting, and my prayer returned into mine own bosom."

"I behaved myself as though he had been my friend or brother."

When calamity and sorrow visit us, it is becoming that we should bow before the Lord in humility, and ask for Divine guidance in our trials, and wisdom to understand His chastenings.

We, as a people, are afflicted by the untimely death of him who was the friend and guardian of the nation; and it is meet that we should come before God with fasting and prayer, and ask His divine protection and support in this our time of need.

Therefore, in accordance with the proclamation of the President of the United States, and in obedience to the earnest desire of a sorrowful people, I do appoint Thursday, the first of June next, as a day of fasting, humiliation, and prayer; and I do enjoin upon the people of this State that, laying aside all secular employment, they assemble in their accustomed places of worship on that day, and with penitent hearts bow before Almighty God, confess their sins as individuals and as a people, and humbly pray that the Great Ruler of the Universe may sanctify the Nation's loss to its ultimate good.

Let us implore his blessing upon those who are in authority, that they may have the strength to bear the burdens imposed upon them, that they may see the path of duty clearly, and taking counsel of "him that has gone before," have the courage to sustain the right and oppose the wrong.

Let us entreat his blessing upon our Army and Navy, through whose labors, sufferings, and sacrifices, the life of the Nation has been saved.

Let us supplicate Him that He may comfort and preserve the thousands of brave men now languishing in our hospitals, and speedily restore them in health to their homes, to receive a Nation's homage and gratitude.

Let us invoke His fostering care to sustain the widow and the fatherless, who mourn the loss of their earthly protectors, fallen in the shock of battle.

Let us seek His blessing upon our State, and pray that He will enable us to preserve peace and good order within our borders.

And, finally, let us pray that the year may be crowned with a peace that will last forever; that the industry of the country may be restored again to its accustomed channels; that Liberty may be firmly established throughout the land, and prosperity be the lot of a united and happy people.

In witness whereof, I have hereunto set my hand and caused the Great Seal of State to be affixed, this eighth day of May, A. D. one thousand eight hundred and sixty-five.

FRED'K F. LOW.

Attest: B. B. REDDING, Secretary of State.

THANKSGIVING PROCLAMATION.

By His Excellency, FRED'K F. LOW, Governor of California:

"Enter into His gates with thanksgiving, and into His courts with praise."

In obedience to the time-honored belief of our fathers, that States as well as individuals should publicly acknowledge the supremacy of divine power, and in accordance with the recommendation of the President of the United States, I do hereby appoint Thursday, the seventh day of December next, as a day when the people of California may unite with the people of her sister States in public thanksgivings to the Great Ruler of the Universe.

Let that day be set apart throughout our borders for religious exercises in our churches, and social festivities in our homes; for upon no occasion since the foundation of the Republic has there been so much reason to recognize the hand of God in our concerns.

While other lands have been scourged with epidemic disease, we have enjoyed during the year the unmeasured blessings of health.

Our schools and seminaries of learning are in a flourishing condition.

Our mines are still yielding of their abundance; our harvests have been plenteous; and all our industrial pursuits have prospered in an unusual degree.

But, above all, and more than all, we have reason to rejoice that peace has been restored to our beloved country. The deluge of blood through which for four years the Nation's flag was carried has been stayed by an Almighty hand. The black cloud of war and desolation has been lifted, and VICTORY appears inscribed in letters of living light upon its silver lining to gladden the hearts of an earnest, humane, and Christian people.

The war for the Union has culminated in the triumph of liberal principles, and the complete vindication of constitutional authority.

Slavery has been destroyed in the conflict of arms, and under the blessing of God the Republic is once more united upon the basis of equal and exact justice to all its citizens.

Let us then mingle with our thanksgivings such acts of kindness to the friendless, and such words of sympathy to those who may be in distress, as shall testify an humble and grateful spirit in the midst of our boundless blessings.



In witness whereof, I have hereunto set my hand and caused the Great Seal of State to be affixed, at Sacramento, this tenth day of November, A. D. eighteen hundred and sixty-five.

FRED'K F. LOW,
Governor of California.

Attest: B. B. REDDING, Secretary of State.

STATUTES.



STATUTES OF CALIFORNIA,

PASSED AT THE

SIXTEENTH SESSION OF THE LEGISLATURE.

CHAPTER I.—*An Act respecting the Police Court of the City and County of San Francisco.*

[Approved December 9, 1865.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any Justice of the Peace of the City and County of San Francisco, who may be designated in writing by the Mayor or President of the Board of Supervisors for the purpose, shall have power to preside in and hold the Police Judge's Court of said city and county, in case of the temporary absence of the Police Judge, or his inability to act from any cause; and during such temporary absence or disability, the Justice so designated shall act as Police Judge, and shall have and exercise all the powers, jurisdiction, and authority, which are or may be by law conferred upon said Court or Judge.

Sec. 2. In case of a vacancy in the office of Police Judge, the ~~Vacancy~~ Board of Supervisors of said city and county shall have power to appoint some suitable person, who is a resident and legal voter thereof, to fill the vacancy, who shall take the constitutional oath of office, and enter upon his duties immediately. The person so appointed shall hold office until a Police Judge shall be elected at the next judicial election, and qualified according to law.

Sec. 3. All laws, so far as they conflict with the provisions of this Act, are hereby repealed.

Sec. 4. This Act shall take effect and be in force from and after its passage.



STATUTES OF CALIFORNIA,

PASSED AT THE

SIXTEENTH SESSION OF THE LEGISLATURE.

CHAPTER I.—An Act respecting the Police Court of the City and County of San Francisco.

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Sec. 2. In case of a vacancy in the office of Police Judge, the ^{vacancy.} Board of Supervisors of said city and county shall have power to appoint some suitable person, who is a resident and legal voter thereof, to fill the vacancy, who shall take the constitutional oath of office, and enter upon his duties immediately. The person so appointed shall hold office until a Police Judge shall be elected at the next judicial election, and qualified according to law.

Sec. 3. All laws, so far as they conflict with the provisions of this Act, are hereby repealed.

Sec. 4. This Act shall take effect and be in force from and after its passage.

CHAP. II.—*An Act to amend an Act entitled an Act prescribing the manner of electing United States Senators, approved April the fourteenth, A. D. one thousand eight hundred and fifty-five.*

[Approved December 15, 1865.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act shall be amended so as to read as follows:

Election. Section 1. All regular elections for United States Senators for the State shall be held at the regular session of the Legislature next preceding the commencement of the term which is to be filled. All special elections shall be held at any session of the Legislature at which a vacancy or executive appointment shall be reported by the Governor.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. III.—*An Act to provide for purchasing Postage Stamps and Express Envelops for Members and Officers of the Legislature at its Sixteenth Session.*

[Approved December 18, 1865.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropria-
tion. SECTION 1. The sum of thirty-one hundred and fifty dollars is hereby appropriated out of the General Fund for the purchase of postage stamps, envelops, and wrappers, and express envelops, for the use of the Lieutenant-Governor, Senators, and Members of the Assembly, Secretary of the Senate, Clerk and Assistant Clerk of the Assembly, and Sergeant-at-Arms of the Assembly.

SEC. 2. Each of the persons named in section one of this Act shall be entitled to receive during the present session of the Legislature such an amount of postage stamps, envelops, and wrappers, and express envelops, as he may require, not exceeding twenty-five dollars.

Controller to
draw war-
rant. SEC. 3. The Controller of State is hereby authorized and required to draw his warrants, from time to time, in favor of the Sergeant-at-Arms of the Senate, and the Sergeant-at-Arms of the Assembly, for such sums as they may require respectively, under the provisions of this Act, not exceeding in the aggregate the sum of one thousand and seventy-five dollars in favor of the Sergeant-at-Arms of the Senate, and two thousand and seventy-five dollars in favor of the Sergeant-at-Arms of the Assembly; provided, that the whole of the value of the warrants drawn on the Treasurer under the provisions of this Act shall be paid in legal tenders; which legal tender notes so paid shall

Warrants to
be paid in
legal ten-
ders.

be applied by the respective Sergeants-at-Arms for the purchase of postage stamps.

Sec. 4. The Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the Assembly shall respectively open a postage and express account with each of the persons mentioned in section one of this Act, and shall furnish to each of said persons during the present session of the Legislature such postage stamps, envelops, and wrappers, and express envelops, as he may require, not exceeding twenty-five dollars.

Sec. 5. This Act shall be in force from and after its passage.

CHAP. IV.—*An Act to amend an Act entitled an Act to support and maintain a Fire Department in the City of Nevada.*

[Approved December 20, 1865.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said Act is hereby amended so as to read as follows:

Section 5. Whatever sums of money shall remain in the Fire Fund on the first day of October of each year shall be paid into the General Fund of the City Treasury.

Sec. 2. This Act shall take effect immediately.

CHAP. V.—*An Act to transfer certain funds to the Common School Fund of the County of Nevada.*

[Approved December 20, 1865.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All moneys derived from the sale of licenses for the vending of spirituous, malt, or fermented liquors, or wines, in quantities less than one quart, and all moneys derived from the sale of travelling merchants', hawkers', or pedlers' licenses in the County of Nevada, shall hereafter be transferred to the Common School Fund of said county, and shall be used and appropriated as a part of such Common School Fund, and for no other purpose whatever.

Sec. 2. This Act shall take effect and be in force from and after its passage.

CHAP. VI.—*An Act to appropriate money to pay the claim of Mrs. N. F. Brown, for translating the Laws of Eighteen Hundred and Sixty-Three and Four (1863—4) into the Spanish Language.*

[Approved December 20, 1865.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropria-
tion.

SECTION 1. The sum of two thousand two hundred and fifty-nine dollars and twenty-three cents is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, to pay the claim of Mrs. N. F. Brown for translating into Spanish the laws of eighteen hundred and sixty-three and four, (1863—4,) passed at the fifteenth session of the Legislature of California; and the Controller of State is hereby authorized and required to draw his warrant in favor of said Mrs. N. F. Brown for the sum of two thousand two hundred and fifty-nine dollars and twenty-three cents; and the Treasurer of State is hereby authorized to pay the same.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. VII.—*An Act to change the names of Minnie Rice and George F. Rice to Minnie Fox and George Bent Fox.*

[Approved December 22, 1865.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Changes
names.

SECTION 1. The names of Minnie Rico and George F. Rice, minor children of Mary, wife of Charles N. Fox, of the County of San Mateo, are hereby changed as follows: The name of said Minnie Rice is changed to Minnie Fox, and the name of said George F. Rice is changed to George Bent Fox.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. VIII.—*An Act to change the name of Thomas Nelson to Lars Peterson.*

[Approved December 22, 1865.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Changes
name.

SECTION 1. The name of Thomas Nelson, of Trinity County, in this State, is hereby changed to that of Lars Peterson.

SEC. 2. This Act shall take effect and be in full force from and after its passage.

CHAP. IX.—An Act fixing the time of holding the County Court in the County of Mono.

[Approved December 22, 1865.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Court in the County of Mono shall hereafter be held on the first Monday of January, May, and September of each year, and shall continue until the business is disposed of. Days for holding Court.

SEC. 2. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. X.—An Act concerning Assessment Rolls, and other official proceedings to raise Revenue for the Support of the Government of this State, and to provide for the amendment of omissions, errors, and defects therein.

[Approved December 23, 1865.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. When any omission, error, or defect in form, shall occur in any assessment roll, duplicate assessment roll, or other official proceeding relating to the public revenue or taxation in this State, either by omitting the sign \$ at the head of columns or elsewhere, where dollars are understood and intended by the figures used, or in the description of any property assessed where the identity of the property intended can be ascertained, or in the name or names of the owner or owners thereof, or in calculating or carrying out into the proper columns the amount of taxes, or any costs or percentage thereon, when the rate or amount thereof has been previously fixed by or in pursuance of law or otherwise however, wherefrom the said assessment roll, duplicate, or other official document and proceeding connected therewith, it can be ascertained what was intended, the County Auditor, with the advice and consent of the District Attorney, and President of the Board of Supervisors of the county in which the assessment was made shall have power to amend all such omissions, errors, and defects aforesaid, upon the proper books, papers, and documents, where found to exist. Correction of errors and omissions in assessment roll.

SEC. 2. Whenever any such omission, error, or defect, shall have been carried into and shall appear in any delinquent tax list, or other advertisement which shall have been already published pursuant to the statute, such list or advertisement may be republished as amended, or public notice thereof may be given by a supplementary advertisement in such form as shall be prescribed by the said Auditor, District Attorney, and Presi- In delinquent tax list or advertisement.

dent of the Board of Supervisors, or any two of them, and to be framed in such general terms applicable to and explanatory of the original advertisement in whole or in part, and in such part as may by them be deemed necessary, as sufficiently to indicate what was intended.

How published. SEC. 3. Such supplementary advertisement shall be published in such mode and such newspaper or newspapers, and for such time as shall be ordered by the Auditor, District Attorney, and President of the Board of Supervisors aforesaid, or any two of them, not less than one week; and for that purpose, the tax sale of property so originally advertised may be postponed to such time as they, or any two of them, shall, in the same order, direct, of which postponement notice shall also be given in such supplementary advertisement.

Tax sale postponed. SEC. 4. The several orders aforesaid made by the County Auditor, District Attorney, and President of the Board of Supervisors, and supplementary advertisement prescribed by them, shall be copied into or attached to the assessment roll, or duplicate assessment roll.

Orders, etc., to be attached to assessment roll. SEC. 5. This Act shall take effect and be in force from and after its passage, and shall apply to assessment rolls, duplicate assessment rolls, and official proceedings as mentioned and pro-

vided in section one, as well those heretofore made out, taken, and performed, as those which shall hereafter be made out, taken, and performed, but shall not be construed to affect the validity of sales for taxes made before its passage; *provided*, that in all actions commenced and pending at the passage of this Act in which the correction of formal errors under this Act shall affect the final determination of such cause, the imposition of the costs of such action shall be within the discretion of the Court hearing and deciding such cause, and shall be so applied as may be just in the premises; and, *provided*, further, that no cor-

Costs. rection of the assessment roll shall be made after sale for taxes of the property affected thereby in any county where sale is had without judgment and execution, nor shall any correction of the assessment roll be made after judgment in any county where the taxes are enforced by judgment and execution, nor shall any correction be made of any error, omission, or mistake, unless such correction be made within the two years following said defective assessments, omission, error, or mistake.

When corrections can be made. SEC. 6. All laws, so far as repugnant to this Act, are repealed.

CHAP. XI.—An Act to provide for the time of holding the County Court and Probate Court of the County of Contra Costa, and to authorize Special Terms of the County Court to be helden in certain cases.

[Approved December 27, 1865.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Regular terms. SECTION 1. The regular terms of the County Court and Probate Court of Contra Costa County shall commence on the first

Monday of April, August, and November, and continue until the business of said Court shall be disposed of.

SEC. 2. Special terms of the County Court may be held for ^{Special} _{terms.} the trial of civil causes at any time when, in the opinion of the County Judge, it shall be necessary or expedient; *provided*, that when the County Judge shall order such special term to be holden, he shall specify in the order the time when the term will be holden, and the reasons therefor, and the title of the causes to be tried at such special term, at which none but civil causes shall be tried. The order shall be entered in the minutes of the Court, and the Clerk shall cause a copy of such order to be posted at the Court House door for ten days successively, before the commencement of the term; and he shall also cause a copy of such order to be published, by one insertion, in some newspaper printed in the county, at least six days before the commencement of such special term. At such special term the Court shall have power to hear, try, and determine any of the causes specified in the order and notice; and all the acts of said Court at such special term shall be as effective and binding in law as though done at a regular term of said Court.

SEC. 3. When a jury shall be required, at any special term of the County Court holden in accordance with the provisions of this Act, the Court may order the Sheriff to summons, either immediately or for a day fixed, from the citizens of the county, but not from the bystanders, a sufficient number of persons to form a trial jury for said term. ^{Summoning} _{trial jury.}

SEC. 4. This Act shall take effect and be in force from and after its passage; and all laws and parts of laws, so far as they are in conflict with the provisions of this Act, are hereby repealed.

CHAP. XII.—*An Act to exempt Active and Exempt Firemen from jury duty in the City of Marysville.*

[Approved December 27, 1865.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In addition to the persons exempted by any other law from jury duty, each active certificate member of the Fire Department of the City of Marysville, and each person who is an exempt member of said department by reason of five years active service, shall be exempt from liability to act as a grand or trial juror, and shall not be selected or act as such if he objects and proves to the satisfaction of the Court that he is entitled to exemption under this Act. ^{Exemption} _{as Jurors.}

SEC. 2. This Act shall take effect immediately after its passage.

CHAP. XIII.—*An Act to authorize the Supervisors of Humboldt County to levy an additional Tax for road purposes.*

[Approved December 27, 1865.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Levy for road tax.

SECTION 1. The Supervisors of Humboldt County are hereby authorized to levy an additional tax of not exceeding thirty cents on each one hundred dollars, for road purposes.

SEC. 2. This tax shall be collected by the Tax Collector as other taxes are collected, and be applied to the redemption of warrants drawn on the Road Fund.

SEC. 3. This Act shall be in force from and after its passage, and continue in force four years, and no longer.

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CHAP. XIV.—*An Act to authorize Elihu Anthony and F. A. Hihn and others to lay down and maintain Water Pipes in the streets of the Town of Santa Cruz.*

[Approved December 27, 1865.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Right to lay down water pipes.

SECTION 1. Elihu Anthony and F. A. Hihn, and their associates and assigns, are hereby authorized to lay down and maintain water pipes in any of the streets, ways, or alleys of the Town of Santa Cruz, for the purpose of furnishing fresh water for the supply of the inhabitants of said Town of Santa Cruz.

Streets to be put in good order.

SEC. 2. Said streets or ways in which said pipes may be laid to be placed in the same good order and condition by said Anthony and Hihn, and their associates or assigns, as the same were before said pipes were laid down, at their costs, and under the supervision of the Road Master of Santa Cruz Road District.

Right not exclusive.

SEC. 3. Nothing in this Act shall be construed so as to interfere with the laying down and maintaining of water pipes and supplying water to the inhabitants of said town by other persons.

SEC. 4. This Act shall take effect on and after the day of its passage.

CHAP. XV.—An Act changing the time for holding the County and Probate Courts in the County of Amador.

[Approved December 27, 1865.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The regular terms of the County Court and Probate Court in and for the County of Amador shall be held at Jackson, the county seat of Amador County, commencing on the first Monday of February, May, August, and November, in each year, and shall continue until the business is disposed of. Terms of Court.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. XVI.—An Act to fix the salary of the County Judge and District Attorney of Mono County, and to provide for the payment of the same.

[Approved December 27, 1865.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The salary of the County Judge of Mono County, from and after the first day of January, one thousand eight hundred and sixty-six, shall be one thousand dollars per annum. Salary of Judge.

SEC. 2. The salary of the District Attorney of Mono County, from and after the first day of January, one thousand eight hundred and sixty-six, shall be five hundred dollars per annum. Of District Attorney.

SEC. 3. It shall be the duty of the Supervisors of the County of Mono annually to levy and collect, in the same manner that the State and county taxes are levied and collected, a sum sufficient to pay the salary of the County Judge and District Attorney of said county. Tax levied.

SEC. 4. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall go into effect from and after its passage.

CHAP. XVII.—An Act to repeal an Act entitled an Act to incorporate the Town of Dutch Flat, approved April thirteenth, eighteen hundred and sixty-three.

[Approved January 11, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Repeal.

SECTION 1. An Act entitled an Act for the incorporation of the Town of Dutch Flat, approved April thirteenth, eighteen hundred and sixty-three, is hereby repealed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. XVIII.—An Act to extend the time for the collection of State and County Taxes for the year eighteen hundred and sixty-five in the County of San Luis Obispo.

[Approved January 11, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

**Collection
of taxes for
1865 con-
tinued.**

SECTION 1. The Sheriff of the County of San Luis Obispo is hereby empowered to continue the collection of State and county taxes due in said county on the assessment roll of the year eighteen hundred and sixty-five, until the third Monday in March, Anno Domini eighteen hundred and sixty-six, and shall not be required to make his final settlement, or to return his delinquent list, until the first Monday in April of said last mentioned year; provided, that the provisions of section thirty-seven of the Act to provide revenue for the support of the government of this State, approved May seventeenth, Anno Domini eighteen hundred and sixty-one, shall not apply in said county for the year eighteen hundred and sixty-five until the third Monday in March, Anno Domini eighteen hundred and sixty-six. In all other respects, the collection of the revenue of this State in said county shall be governed by the general laws now in force.

SEC. 2. This Act shall take effect immediately after its passage.

CHAP. XIX.—An Act to amend an Act entitled an Act granting Bounties to the Volunteers of this State enlisted in the service of the United States, for issuing Bonds to provide funds for the payment of the same, and to levy a Tax to pay such Bonds, approved April fourth, eighteen hundred and sixty-four.

[Approved January 11, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of the above recited Act is hereby amended so as to read as follows:

Section 2. In the case of death or of honorable discharge from the service, when such discharge occurs from any wound, disease, or disability incurred or contracted in the service, the full amount of bounty granted by this Act shall be allowed and paid to every such soldier, or to his heirs, upon satisfactory proofs being made before the Board of Examiners of Bounty Claims, and without administration, in the following order:

Persons entitled to receive bounties of volunteers.

First—To such soldier, if living; if he be deceased, then:

Second—To the widow of such deceased soldier, if there be one;

Third—If there be no widow, then to the children of such deceased soldier, share and share alike;

Fourth—If such soldier left neither a widow, nor child, nor children, then and in that case such bounty shall be paid to the following persons; *provided*, they be residents of the United States, to wit: first, to his father, or if he shall not be living, or has abandoned the support of his family, then to the mother of such soldier; and if there be neither father nor mother as aforesaid, then such bounty or sum due shall be paid to the brothers and sisters of the deceased soldier, residents as aforesaid;

Provided, the benefits of this Act shall apply only to loyal citizens of the United States; but if any soldier be dishonorably discharged, or be discharged from disease or disability which existed or which followed from causes existing and concealed before enlistment, such allowance of bounty herein provided for shall cease at the date of such discharge; and in case the term of service expire by the conclusion of the war, and the quota of this State be mustered out before the end of three years, then the whole amount of such bounty remaining shall become due and payable.

Prohibitions

If war ends,
whole
amount to be
paid.

CHAP. XX.—*An Act granting leave of absence from the State to Robert E. Gardiner, County Clerk of Tuolumne County.*

[Approved January 11, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Robert E. Gardiner, County Clerk of Tuolumne County, is hereby granted leave of absence from this State for the period of five months, at such time as he may select during his term of office.

Leave of absence.

Sec. 2. This Act shall take effect and be in force from and after its passage.

STATUTES OF CALIFORNIA,

CHAP. XXI.—*An Act concerning the office of County Auditor of Nevada County.*

[Approved January 11, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

County Clerk to be Auditor. SECTION 1. From and after the first Monday in March, Anno Domini one thousand eight hundred and sixty-six, the County Clerk of the County of Nevada shall be ex officio County Auditor of said county, and shall do and perform all acts and duties required by law to be done and performed by the County Auditor, and as a compensation for such services shall receive a salary of nine hundred dollars per annum.

Salary. SEC. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

CHAP. XXII.—*An Act concerning the County Clerk of Del Norte County.*

[Approved January 11, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Bond of Recorder and Auditor. SECTION 1. The County Clerk of Del Norte County shall be ex officio Recorder and ex officio Auditor of said county, and shall give a bond in the sum of four thousand dollars, with two or more sureties, as Auditor; and shall give a bond in the sum of three thousand dollars, with two or more sureties, as Recorder; said bonds to be approved by the Board of Supervisors of said county.

SEC. 2. This Act shall take effect on the first Monday in March, Anno Domini eighteen hundred and sixty-six.

CHAP. XXIII.—*An Act more clearly defining the manner of paying the salary of the County Judge of Los Angeles County.*

[Approved January 11, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary of Judge—how paid. SECTION 1. The salary of the County Judge of Los Angeles County shall be paid out of the County Treasury, from the same fund and in the same coin as the other county officers of said county are now being paid.

SEC. 2. This Act to take effect from its approval.

CHAP. XXIV.—An Act to provide for the maintenance of the indigent sick of Klamath County.

[Approved January 11, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors for Klamath County Levy of tax. are hereby empowered to levy annually and cause to be collected in said county, such special per capita tax as they may deem necessary, not to exceed the sum of two dollars, for each taxable inhabitant thereof; and said tax shall be collected in the same manner and at the same time as other taxes in said county.

SEC. 2. The said tax when collected shall constitute and be For indigent sick. known as a part of the Hospital Fund of said county, and shall be appropriated, under the direction of the Board of Supervisors, to the care and protection of the indigent sick of said county.

SEC. 3. The Auditor of said county shall cause to be provided blank receipts for the tax herein provided, for which, receipts Tax receipts, and registry thereof. shall be signed by the Treasurer, and countersigned by the Auditor, and by the Treasurer delivered to the Collector, taking his receipt for the same, and making a registry of the same, with the number thereof, in a book to be kept by him for that purpose.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. XXV.—An Act to change the time of holding the District Court of the Seventh Judicial District, in and for the Counties of Marin, Lake, and Mendocino.

[Approved January 11, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for holding the District Court in the County of Mendocino is hereby changed so that the same shall be holden on the second Monday of April, third Monday of July, and the first Monday in November, each year; the time for holding the District Court in the County of Marin is hereby Time for holding District Court in Mendocino. changed so that the same shall be holden on the first Monday in March, first Monday in July, and the third Monday in November in each year; and the time for holding the District Court in Lake County is hereby changed so that the same shall Time for holding District Court in Lake. be holden on the third Monday in April and second Monday in November in each year; *provided*, however, that in case the business in the District Court in the County of Mendocino is not disposed of during the term allowed by the provisions of this Act, the Judge may, if he deem it proper, hold said Court until the business in said county is disposed of.

SEC. 2. This Act to be in force from and after its passage.

CHAP. XXVI.—An Act to change the name of Samuel Snapper to that of Samuel Douglass Bond.

[Approved January 11, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Changes
name.

SECTION 1. That the name of Samuel Snapper be and the same is hereby changed to that of Samuel Douglass Bond, and by such latter name shall enjoy and obtain all legal rights that he might or could have under his former and original name.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. XXVII.—An Act to legalize the Assessment of Taxes for the fiscal year commencing on the first Monday of March in the year A. D. eighteen hundred and sixty-four, and for the fiscal year commencing on the first Monday of March, A. D. eighteen hundred and sixty-five, in the County of Santa Clara.

[Approved January 16, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Assessment
legalized.

SECTION 1. The assessment for taxes upon all property, real and personal, in the County of Santa Clara, whether for State, county, or other purposes, made by the County, Township, or School District Assessors of said county, and entered on the assessment rolls prior to the last Saturday before the third Monday in November for the fiscal year commencing on the first Monday of March, A. D. eighteen hundred and sixty-four, and for the fiscal year commencing on the first Monday of March, A. D. eighteen hundred and sixty-five, are hereby legalized, confirmed, and rendered valid and binding, both in law and equity,

Delinquents.

against the persons and property assessed; *provided*, however, that all delinquents who have been or shall hereafter be sued for taxes assessed after the last Saturday in October, and before the last Saturday before the third Monday in November during the fiscal year of eighteen hundred and sixty-four, and the fiscal year eighteen hundred and sixty-five, shall be authorized, in addition to the defences they are entitled to interpose under the revenue laws of this State, to answer, and to amend their answers, in suits now pending, and to show in defence to such action that the property assessed or any part thereof was assessed for more than its real value.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. XXVIII.—An Act to amend an Act entitled an Act supplementary to an Act to incorporate the City of Los Angeles, approved May first, one thousand eight hundred and fifty-two.

[Approved January 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of said Act is hereby amended so as to read as follows:

Section 7. The direct taxes imposed by the Common Council in any one year shall not exceed one half of one per cent of the valuation of the property within the city. ^{Amount of tax.}

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. XXIX.—An Act to abolish the Board of Commissioners of the Funded Debt of the City of San José.

[Approved January 17, 1866.]

WHEREAS, All of the indebtedness of the City of San José which existed on the twenty-first day of April, eighteen hundred and fifty-eight, and all of the indebtedness of said city which was authorized to be funded by virtue of an Act entitled an Act to authorize the funding of the unfunded debt of the City of San José, and to provide for the payment of the same, approved April twenty-first, eighteen hundred and fifty-eight, has been fully paid; therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Commissioners of the funded debt of the City of San José is hereby abolished.

Sec. 2. Said Commissioners, or a majority thereof, are hereby required to convey to the Mayor and Common Council of the City of San José, on the application of the Mayor thereof, all the property, and rights, titles, and interests in property belonging to said Commissioners, together with lands and rights in lands, or claims to the same, held or owned by the former Pueblo de San José de Guadalupe, and all the pueblo rights of said pueblo, save and except all such lands and premises as may have heretofore been sold to private persons by said Commissioners; and said Commissioners shall at the same time deliver to the Mayor of said city all the moneys, papers, books, and property held or owned by said Commissioners as such; said lands, moneys, and property to be held by said Mayor and Common Council, and their successors in office, in trust for the use ^{In trust.} and benefit of the City of San José and the citizens thereof; and all actions and rights of actions had or held by said Commissioners as such shall survive and inure to the benefit of said

Commissioners to convey property to Mayor and Common Council.

Land may be sold. Mayor and Common Council, in trust for the use and benefit of the City of San José and the citizens thereof.

Investment of moneys for School Fund. SEC. 3. Said Mayor shall have power to sell or dispose of any and all lands heretofore and now held or hereafter held by virtue of this Act by said city, (subject to the exceptions hereinafter contained,) in such manner and for such price as the Common Council shall by ordinance direct; and all moneys received from the disposal of such lands shall be paid into the Treasury of said city; and said Treasurer shall from time to time, under the order of the Common Council of said city, after the payment of all necessary expenses incident to the sale of said lands, invest the same in bonds of the United States or of this State, or of the County of Santa Clara, to the credit of and to form a School Fund for said city; and it shall be the duty of the Common Council of said city to cause said money to be invested in bonds as aforesaid, and to be reinvested whenever said bonds shall be redeemed or paid; and the same shall not be used, appropriated, or employed for any other purpose whatever; and all interest accruing upon said bonds shall be appropriated for the use and support of the common schools of said city.

Suits for recovery of property. SEC. 4. Said Mayor and Common Council shall have power in their name to sue for and bring and maintain all necessary actions and take all necessary proceedings for the recovery of or possession of or receiving the property hereby provided to be conveyed to them, as also all other property belonging to said city. Said property so conveyed shall be exempt from execution as against said city.

Streets, parks, squares, etc., not to be sold. SEC. 5. The Mayor and Common Council shall have no power to sell or dispose of any of the public streets, roads, or alleys in said city, nor of any of the public squares, parks, or grounds, or public buildings, or the lots on which the same are situated, which now belong or may hereafter belong to said city; *provided*, all that portion of San José street and Market Square as lies without the present established plat and survey thereof, may be sold by the Mayor and Common Council for such price and sum as they may deem just; and the proceeds of such sale shall be appropriated by the Mayor and Common Council for the purpose of improving and adorning said Market Square.

Exception. SEC. 6. The Act of April twenty-first, eighteen hundred and fifty-eight, entitled an Act to authorize the funding of the unfunded debt of the City of San José, and to provide for the payment of the same, and all Acts amendatory thereof or supplementary thereto, and all Acts or parts of Acts in conflict with the provisions of this Act, are hereby repealed.

SEC. 7. This Act shall take effect and be in force from and after its passage:

CHAP. XXX.—*An Act concerning Fees of Office in the County of Mendocino.*

[Approved January 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In the County of Mendocino the fees of office ~~fees~~ shall be the same as prescribed in the Act entitled an Act to regulate fees in office in certain counties of this State, approved April twenty-eighth, eighteen hundred and fifty-seven; and all the provisions of the said Act are hereby declared and made applicable to the County of Mendocino, and to officers of said county.

Sec. 2. This Act shall take effect and be in force from and after its passage.

CHAP. XXXI.—*An Act to amend an Act entitled an Act to fund the debt of San Bernardino County, approved February twenty-sixth, eighteen hundred and fifty-nine.*

[Approved January 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of said Act shall be amended so as to read as follows:

Section 6. For the purpose of paying the interest on the ~~Tax~~ levied bonds so issued, and also to constitute a sinking fund for the redemption of the same, it shall be the duty of the Board of Supervisors of said county to cause to be levied and collected, each year, a special tax on all taxable real and personal property within the county, which shall not be less than twenty cents nor more than forty cents on each one hundred dollars valuation of such real and personal property, such tax to be assessed and collected in the legal currency of this State at the same time and in like manner as are assessed and collected State and county taxes for other purposes; and the amount of taxes ~~now applied~~ so collected shall be applied only to the purpose of paying the interest and principal of the bonds authorized to be issued by this Act, until the same shall be fully paid.

Sec. 2. This Act shall take effect from and after its passage.

CHAP. XXXII.—An Act to change the name of Taylor Logan.

[Approved January 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Changes
name.

SECTION 1. That the name of Taylor Logan, of Sonoma County, be and is hereby changed to Taylor Rogers.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. XXXIII.—An Act to provide for fixing the times for holding the District Court in Mariposa County.

[Approved January 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Terms of
Court.

SECTION 1. The several terms of the District Court in the County of Mariposa shall commence on the fourth Mondays of March, July, and November.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. XXXIV.—An Act concerning Roads and Highways in the Counties of Mariposa and Tulare.

[Approved January 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Public
highways.

SECTION 1. All roads in the Counties of Mariposa and Tulare are hereby declared to be public highways which are now used as such and have been declared such by order of the Court of Sessions or Board of Supervisors, or which may hereafter be declared such by said Board in accordance with the provisions of this Act.

Sections of
general road
law applica-
ble.

SEC. 2. The sections from one to twelve, inclusive, of an Act entitled an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, are hereby made applicable to the Counties of Mariposa and Tulare, and the said county is hereby exempted from the operation of remaining sections of said Act.

Road
Districts.

SEC. 3. For all the purposes of this Act, the road districts as now established shall be the road districts within the meaning

of this law, and they may be changed or new ones created by the Board of Supervisors of said county at any time when considered necessary.

SEC. 4. The said Board shall have power to levy a road poll tax on all able bodied men, except Indians, between the ages of twenty-one and fifty years, which tax shall not exceed three dollars per annum, payable in coin; provided, that any person liable to pay said tax may pay the same, when called on by the Road Master, in labor on the road, under the direction of said Master, at the rate of two dollars per day, and having fully worked out his road poll tax, the Road Master shall deliver to him a receipt therefor. Said road poll tax shall be levied by the said Board at their last regular meeting in each year for the year succeeding, which tax so levied shall be due and payable on or after the first Monday in January thereafter; and said Board may, in their discretion, levy a property tax for road purposes upon all taxable property in said county, of not more than twenty cents upon the one hundred dollars, which said property tax shall be levied and collected at the same time, in the same manner, and by the same officers as other property taxes; provided, the said Board may levy the road poll tax for the year eighteen hundred and sixty-six at any regular or special meeting of the Board in said year.

SEC. 5. The present Road Masters of said county shall hold their office until the first Monday in January, A. D. eighteen hundred and sixty-eight; and at the general election in eighteen hundred and sixty-seven, and at each succeeding general election, the qualified electors of each road district shall elect some citizen of said road district as Road Master of the same, to hold office for the term of two years from the first Monday of January subsequent to his election; and the Clerk of the Board of Supervisors shall, within ten days after his election is declared by said Board, notify the person so elected of his election, and he shall, before entering upon the discharge of his duties, give bonds, to be approved and justified as other official bonds, and filed with the County Clerk, in such sum as the said Board may require, for the faithful performance of his duties.

SEC. 6. It shall be the duty of the Road Master upon entering into office, to proceed to collect the road poll tax from any person liable to said tax he may find in his district, and no person shall be deemed or held to have paid said tax unless he shall be able to exhibit a receipt therefor, or testify upon oath or affirmation that he has paid the same; and for all the purposes of this Act the Road Master is hereby authorized to administer oaths and affirmations upon any person who may be liable, refusing, upon demand upon himself or his agent, to pay his road poll tax. It shall be the duty of the Road Master to enforce the collection of the same by seizing so much of any species of personal property, debts, or choses in action whatsoever, of the delinquent, and if none such can be found, then by levying upon and seizing so much of the real property of the delinquent as will be sufficient to pay such tax and cost of seizure and sale, and shall and may sell the personal property at any time and place upon giving a verbal notice of one hour previous to such sale, and shall and may sell the realty in the manner prescribed

Election of
Road masters
and term of
office.

Duties and
powers of
Road master.

Powers and duties of Road master for Sheriffs' sales under execution; and any person indebted to another liable to pay said tax, shall be liable to pay the same for such other person after service upon him by the Road Master of a written notice, stating the name or names of the person or persons liable and owing said tax, and the party paying is hereby authorized to deduct the amount thereof from such indebtedness. The Road Master, after deducting the tax for which property was sold, and such fees and costs as would accrue to Sheriffs for like services, shall return the surplus to the owner of the property. A delivery of the possession of personal property by the Road Master to any purchaser shall be a sufficient title to the purchaser, or if required by the purchaser, the Road Master shall execute a bill of sale. The Road Master shall have a right to demand of any employer in his district a complete list of the names of the men employed by him, and any employer refusing or neglecting to give such list when demanded of him by said Master, shall be liable to pay a fine of not less than ten dollars, nor more than fifty dollars, to be recovered before a Justice of the Peace, in the name of the Road Master, for the use of and to be paid into the Road Fund of said county. He may also demand of each employer a statement, under oath, touching his indebtedness to the laborers employed by him who are liable to pay road poll tax, and if it shall appear, upon such statement being made, that such employer is indebted to any person liable to pay road poll tax in any amount equal to said tax due by him, the Master may demand payment of said taxes from such employer, and if such employer refuse or neglect to pay the same, the said Master, in his own name, may proceed to collect the amount from him by suit, and if recovered, the Road Master shall deliver to the employer the road poll tax receipts of those whose taxes are thereby paid; and in all suits under this Act the Road Master shall be a competent witness.

Road poll tax receipts.

SEC. 7. The Board of Supervisors shall cause proper blank road poll tax receipts to be printed, of a uniform appearance, which shall be numbered consecutively, and signed in writing by the Chairman thereof, and also by the Clerk of said Board, and no other receipts for road poll tax than the above shall be used for the payment of said tax by the Road Master. The Chairman, after having signed a sufficient number of said receipts, shall deliver the same to the Clerk of said Board, who shall from time to time deliver them in such number as may be needed to the Road Masters of the different districts, unless otherwise ordered by the Board, taking their receipts therefor, and the said Clerk shall keep an account, always open to the inspection of the Supervisors, or any of them, of debit and credit with the Road Master of each district. Any person who shall wilfully pass, sell, or transfer, or who shall forge or fraudulently issue any receipt or receipts for road poll tax, contrary to the spirit of this Act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined a sum not less than ten nor more than two hundred dollars, to be paid to the Road Fund of the county.

Road master to keep roads in repair.

SEC. 8. It shall be the duty of the Road Master to have the care and general supervision of the public roads within his district, to maintain them in good repair, and to erect such

necessary bridges, causeways, and culverts, as the means at his command will permit, to keep the roads clear of obstructions and properly graded, and for these purposes the Road Master is hereby authorized to take for the road service any timber, earth, gravel, rock, or other material growing or being in any uninclosed lands in the vicinity of a public road, except that he shall not cut down any tree which has been planted or preserved as a shade or ornamental tree, and upon application of the owner thereof, he shall make such allowance therefor as he may deem just, and shall give to said owner a certificate of said allowance, and upon presentation of such certificate to the Board of Supervisors, they may order a warrant to be drawn for said allowance, or a less amount, payable out of the County Road Fund; *provided*, that such certificate from the Road Master shall be received in payment of road poll tax upon presentation.

SEC. 9. The Board of Supervisors shall, at their last regular meeting in each year, fix, by an order to be entered on their journal, the amount of the percentage that each Master shall receive for the collection of the road poll tax for the succeeding year, which percentage shall not exceed twenty per cent upon each dollar collected; *provided*, that for the payment of the percentage for the present year, eighteen hundred and sixty-six, the said Board may make such order at any regular or special meeting of the present year.

SEC. 10. Each Road Master shall, at the August session of said Board, and at such other times as the Board may require, present a correct account of the amount of road poll tax paid in labor, the amount paid in cash, and how much of and for what the same was expended, and the number of days service by him actually and necessarily performed in working upon the roads in his district, which statement shall be verified by his oath or affirmation; and the said Board may examine, on oath, any Road Master touching his account; and the Road Master shall be allowed in payment of such service such per diem as *pay*. the Board of Supervisors may deem just, not to exceed five dollars; and he shall, at the end of his term of office, file with the Clerk of the Board a final settlement, and shall return to him all unsold poll tax receipts, who shall credit said Master with the same, and immediately before making his final settlement the said Road Master shall pay into the Road Fund of said county all moneys in his hands remaining unexpended at that time.

SEC. 11. Any Road Master failing or refusing to perform any of the duties prescribed by this Act, besides being liable to be removed, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding two hundred dollars, and for which fine his official bond shall be liable, and when collected, said fine shall be paid into the Road Fund of the county.

SEC. 12. Any person or persons who shall obstruct any public highway, either by placing an obstruction thereon, or by digging a ditch, or by deepening the waters of any stream, and not bridge the same the full width of the road within twelve hours, or sooner if possible, by placing good and substantial timbers across the same, not exceeding six feet apart, and planking the

Allowance
for necessary
materials.

Road
master's
percentage.

Statement of
Road master.

Settlement.

Penalty
for neglect
of duty.

Obstruction
and penalty
therefor.

same with plank not less than three inches in thickness, unless permission shall have been granted by the Road Master of the district to build the bridge of a less size, but in no case to be less than sixteen feet in width, shall be liable to a prosecution for a misdemeanor, and it shall be the duty of the Road Master of the district to prosecute for such offence on behalf of the county; and the party offending, on conviction, shall be liable to a fine of not less than ten nor more than two hundred dollars, with costs of suit, to be collected as other fines, and he shall be further liable, at the suit of the Road Master of the district, in the sum of five dollars for each day that such obstruction remains after being notified to remove or remedy the same. And whenever any public highway shall be washed away, or injured by the breaking of any water ditch or canal, the owner thereof shall be liable for all damages occasioned to said road by said breaking, and it is made the duty of the Road Master in the district to prosecute said owners for all such damages; and all moneys collected under the provisions of this section shall be paid into the Road Fund of the county.

SEC. 13. This Act shall take effect from and after its passage; and all Acts and parts of Acts inconsistent with this Act, so far as they apply to the Counties of Mariposa and Tulare, are hereby repealed.

CHAP. XXXV.—An Act to transfer certain funds.

[Approved January 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Funds transferred. SECTION 1. The sum of twelve thousand dollars is hereby transferred from the General Fund not otherwise appropriated for the following purposes: The sum of five thousand dollars for contingent expenses of Senate, and the sum of seven thousand dollars for contingent expenses of Assembly, sixteenth session of Legislature. If there is any surplus after paying the contingent expenses of both Houses, it shall be returned to the General Fund.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. XXXVI.—An Act to change the name of certain persons therein mentioned.

[Approved January 25, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Names changed. SECTION 1. The name of John Mains Seldon is hereby changed to John Mains; the name of John Mains Seldon, Junior, is hereby

changed to John Mains, Junior; the name of Charles Lauren Seldon is hereby changed to Charles Lauren Mains; and the name of James Nelson Seldon, to James Nelson Mains.

SEC. 2. This Act shall take effect immediately.

CHAP. XXXVII.—*An Act supplementary to an Act entitled an Act concerning Corporations, passed April twenty-second, eighteen hundred and fifty.*

[Approved January 25, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any insurance company heretofore or hereafter incorporated under chapter second of the Act to which this Act is supplementary, the capital stock of which has been entirely paid in, may, as is herein provided, increase its capital stock to any amount which may be deemed sufficient and proper for the purposes of the corporation, which increased capital stock shall all be called in, demanded, and paid in according to the provisions and requirements of said Act, the same as if it had been a part of the original capital stock.

Sec. 2. Whenever it is desired to increase the amount of capital stock, a meeting of the stockholders may be called by a notice, signed by at least a majority of the Trustees, and published for at least four weeks in some newspaper published in the county where the principal place of business of the company is located, which notice shall specify the object of the meeting, the time and place where it is to be held, and the amount to which it is proposed to increase the capital; and a vote of two thirds of all the shares of stock shall be necessary to an increase of the amount of the capital stock.

Sec. 3. If at any meeting so called a sufficient number of votes has been given in favor of increasing the amount of capital, a certificate of the proceedings, showing a compliance with these provisions, the amount of capital actually paid in, the whole amount of the debts and liabilities of the company, and the amount to which the capital stock is to be increased, shall be made out, signed, and verified by the affidavit of the Chairman and Secretary of the meeting, certified by a majority of the Trustees, and filed, as required by the thirty-third section of the Act to which this Act is supplementary, and when so filed, the capital stock of the corporation shall be increased to the amount specified in the said certificate.

Sec. 4. This Act shall take effect immediately.

CHAP. XXXVIII.—*An Act to change the name of Ida Jerelind Spear to Ida Jane Morrill.*

[Approved January 25, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Name changed. SECTION 1. The name of Ida Jerelind Spear is hereby changed to Ida Jane Morrill.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. XXXIX.—*An Act making appropriations for the payment of the per diem and mileage of Presidential Electors.*

[Approved January 25, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

**Appropria-
tion.** SECTION 1. The sum of fifty-six dollars and eighty cents is hereby appropriated to Samuel Brannan or his assigns; the sum of thirty dollars to J. G. McCallum or his assigns; the sum of seventy dollars to Charles Maclay or his assigns; the sum of sixty-four dollars to William W. Crane, Jr. or his assigns; and the sum of one hundred and fifty dollars to Warren Oliver or his assigns, in payment of the per diem and mileage of each, respectively, as Presidential Electors on the first Wednesday of December, Anno Domini one thousand eight hundred and sixty-four; and the State Controller is hereby authorized and directed to draw his warrants on the Treasurer for the said several sums, the same to be paid out of any moneys in the General Fund not otherwise appropriated.

SEC. 2. This Act shall take effect on and after its passage.

CHAP. XL.—*An Act respecting the Police Court of the City of Sacramento.*

[Approved January 25, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

**Justice may
act as Police
Judge.** SECTION 1. Any Justice of the Peace of the City of Sacramento, who may be designated in writing by the Mayor of said city for the purpose, shall have power to preside in and hold the Police Judge's Court of said city, in case of the temporary absence of the Police Judge or his inability to act from any cause, and during such temporary absence or inability, the

Justice so designated shall act as Police Judge, and shall have and exercise all the powers, jurisdiction, and authority, which are or may be by law conferred upon said Court or Judge.

SEC. 2. This Act shall take effect immediately.

CHAP. XLI.—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto, passed April fourth, eighteen hundred and sixty-four.

[Approved January 25, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. The Board of Supervisors of the County of Napa are hereby authorized and directed to order a special election, to be held on the third Wednesday of February next, for the purpose of submitting to the qualified electors of said county the proposition for the said county to take and subscribe of and to the capital stock of the Napa Valley Railroad Company ten thousand dollars per mile for each mile of the portion of said road which is unfinished within the limits of said County of Napa. The said Board of Supervisors shall cause notice of such election to be published in one or more newspapers published in said county for fourteen days preceding the time fixed for such election, and shall in such notice state the proposition to be submitted to the electors, and the manner of voting thereon. The said Board of Supervisors shall cause ballots to be prepared with the words "Subscription to Napa Valley Railroad Company" thereon; every ballot in favor of the subscription shall have the word "Yes" written or printed thereon, and every ballot against said subscription shall have the word "No" written or printed thereon. Said election, and the returns thereof, shall be conducted and made in the same manner as are elections for county officers, and said returns shall be made within three days after said election to the Clerk of said county, which returns shall on the Monday after such election be opened and counted by the said Board of Supervisors, who are hereby required to meet for such purpose, and who shall at such meeting officially declare the result, and cause an entry thereof to be made on the journal.

SEC. 2. Section two of said Act is hereby amended so as to read as follows:

Section 2. If at such election there be a majority of all the votes cast in favor of such subscriptions, the Chairman or President of the Board of Supervisors, or the Chairman or President pro tempore, shall take and subscribe for the use and benefit of

Special election.

How conducted.

said county, on the books of said Napa Valley Railroad Company, an amount of the stock of said company equal to ten thousand dollars per mile for each mile of the said road now unfinished and to be built within said County of Napa, and the said subscription shall be made substantially in the following form:

Form. "The County of Napa, represented by its Board of Supervisors, does hereby take and subscribe to the capital stock of the Napa Valley Railroad Company ten thousand dollars per mile for each mile of the unfinished portion of said road within the limits of said County of Napa, the subscription to be paid in the bonds of said County of Napa, bearing interest at ten per cent per annum, payable annually; principal payable in twenty years from date of issuance; both principal and interest to be paid in United States gold coin; and the said bonds to be received by the said company at par.

" _____,
"Chairman or President of Board of Supervisors of Napa County."

SEC. 3. Section three of said Act is hereby amended so as to read as follows:

Subscription to be paid in County bonds. Section 3. The said subscription shall be paid in the bonds of said county as aforesaid, and the said bonds shall be issued to the said company in the manner following, that is to say: whenever any contract or contracts are made for the construction of at least five miles of said road, and the President and Secretary of said company shall make statement thereof under oath, and shall file the same with the County Auditor, it shall be the duty of said Auditor to immediately notify the Chairman or President of said Board of Supervisors thereof, who shall call a meeting of said Board, to be held within ten days after the filing of such statement, and the said Board shall, at such meeting, direct the issuance of such amount of bonds as said company shall be then entitled to receive in accordance with the provisions of this Act and the said Act hereby amended, to wit: ten thousand dollars per mile for every five miles so contracted for; *provided*, that bonds shall not be issued at any time for more than five miles of road before the completion of the same, and such order shall be entered upon the minutes of said Board. The said bonds shall be delivered to the Secretary of the said company, who shall receipt to the Treasurer of said county therefor, and shall at the same time deliver to said Treasurer certificates of the stock of said company in the name of said county to an amount equal to the bonds so received. The said bonds shall be of the denominations of one thousand dollars, or of five hundred dollars, or both, and shall have coupons for interest attached, so that said coupons may be removed without mutilation to the bonds, and said coupons shall be payable on the second day of January of each year. The said bonds and coupons shall be signed by the Chairman or President of the Board of Supervisors and the County Treasurer, and shall be countersigned by the County Clerk, who shall also affix to each bond the seal of said county,

and a register of each bond issued shall be kept in the office of said County Treasurer. The aforesaid coupons shall be signed by the County Treasurer.

SEC. 4. Section four of said Act is hereby amended so as to read as follows:

Section 4. The Board of Supervisors of said county are hereby authorized and required to levy each year a tax upon the taxable property of said county sufficient to pay the interest upon said bonds, which tax shall be known as the interest tax, and shall be used only for the purpose of paying the interest on the bonds issued under the provisions of this Act, except as is hereinafter provided. And in the year eighteen hundred and eighty, and each year thereafter until said bonds are fully paid and liquidated, the said Board of Supervisors shall, if it be by them considered necessary, levy a further tax, not exceeding fifty cents on each one hundred dollars of the taxable property of said county, for the purpose of raising a fund for the liquidation of said bonds, which shall be styled the Railroad Fund. If there shall be collected in any one year on the said interest tax an amount more than sufficient to pay the interest for that year on said bonds, the surplus shall be transferred to the said Railroad Fund, and shall be used as provided in the next section; and all dividends received by said county from the stock of said Napa Valley Railroad Company shall also be placed in said Railroad Fund and used in the same manner until said bonds are fully liquidated and discharged.

SEC. 5. The Directors of said company shall have power to mortgage said road, for the express purpose of completing the same, and for the payment of expenses and debts already incurred in constructing and equipping the said road. No mortgages given upon said road, except for the purposes aforesaid, shall be a lien upon or affect the stock or interest of said county in said road; nor shall any judgment against said road, or any sale by execution on such judgment or mortgage, except for the purposes aforesaid, affect or impair the right or interest of said county in said road or the stock thereof.

SEC. 6. In case the vote to be taken on the third Wednesday of February, eighteen hundred and sixty-six, shall be in favor of the subscription of ten thousand dollars per mile to the capital stock of said Napa Valley Railroad Company, then no more bonds shall be issued to said company in pursuance of the vote heretofore taken and the subscription heretofore made by said county to the capital stock of said Napa Valley Railroad Company.

SEC. 7. All the stock of the said County of Napa in said company shall be represented by the Chairman or President of the Board of Supervisors thereof, who shall, without other election, be ex-officio an additional member of the Board of Directors of the Napa Valley Railroad Company, the same as if regularly elected a Director; and this shall be in lieu of any vote at the annual election. And this shall be the manner and extent of the representation of the stock belonging to said county in said railroad company.

SEC. 8. Section seven of the Act whereof this is amendatory is hereby repealed. All other sections and parts of sections of

said Act, so far as not conflicting with these amendments, shall remain in full force, and so far as the same are conflicting, are hereby repealed.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAP. XLII.—An Act to pay the claim of the Bailiff and Porter of the Supreme Court.

[Approved January 25, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Deficiency appropriation.

SECTION 1. The sum of six hundred and eighty-seven dollars is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to meet the deficiency in the salary of the Bailiff of the Supreme Court for the fifteenth, sixteenth, and seventeenth fiscal years, ending June thirtieth, one thousand eight hundred and sixty-six.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. XLIII.—An Act to appropriate money for the payment of certain claims.

[Approved January 25, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriations.

SECTION 1. The following sums are hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to wit: The sum of one hundred and twenty-two dollars and fifty cents in payment and upon surrender of a certificate of the State Treasurer, issued October first, eighteen hundred and fifty-eight, numbered Six Hundred and Forty, payable to the order of Lady Adams Company, being the remaining unredeemed balance of State indebtedness; and the sum of one hundred dollars in payment and upon surrender of Controller's warrant Number Six Hundred and Fifty-five, dated December twelfth, eighteen hundred and fifty-five, payable to the order of Halleck, Peachy & Billings, being the remaining unredeemed amount of said warrant.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. XLIV.—An Act to authorize the construction of a Wagon Road in San Bernardino County.

[Approved January 25, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. John M. James and his associates are hereby ~~Franchise.~~ authorized to construct a wagon road, not to exceed eighty feet in width, commencing at the base of the mountain north of the Town of San Bernardino, near the Hot Springs, thence in a straight line as practicable to a point known as Rock Springs, situated on the road leading from the upper crossing of the Mojave River to Halcomb Valley; and the said James and associates shall be authorized to collect tolls on said road for a period of twenty years from the completion of said road.

SEC. 2. The Supervisors of the County of San Bernardino shall from time to time regulate the tolls and fix the amount thereof to be collected on said road.

SEC. 3. Said road shall be surveyed and completed within ~~Survey and~~ ^{completion.} two years from and after the passage of this Act, and shall not binder or obstruct nor interfere with any other travelled road in said county.

SEC. 4. The said grantee and his associates shall be entitled ~~Tolls.~~ to collect toll from and after the completion of said road to a point near the summit of the mountain, known as Little Bear Valley.

SEC. 5. The Act of May the twelfth, eighteen hundred and fifty-three, authorizing the construction of plank and turnpike roads, and the Act of April the twenty-second, eighteen hundred and fifty-three, and amendments thereto, providing for the incorporation of wagon road companies, are made applicable to this Act, except so far as they may conflict with the provisions of this Act.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. XLV.—An Act to amend an Act entitled an Act to enable the County of Los Angeles to reduce expenses, and to pay off its Floating Debt, approved March twenty-eighth, eighteen hundred and sixty-four.

[Approved January 25, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said Act is hereby amended so as to read as follows:

Section 5. The annual compensation of each Justice of the Peace and Constable, taxed to the county, shall not exceed ^{Pay of} ~~Constables.~~ two hundred dollars each per annum; provided, they shall not receive said sum unless their fees shall amount to the same;

provided, further, that the salaries and fees of the officers in this Act named shall be paid in the same kind of currency in which the county taxes are paid.

SEC. 2. Section six of said Act is hereby amended so as to read as follows:

Supervisors. Section 6. The annual compensation of the Supervisors shall be four dollars per day each, for every day actually in session, payable in coin.

SEC. 3. This Act shall be in force and take effect from and after its passage.

CHAP. XLVI.—*An Act to legalize the Assessment of Taxes in the County of Alpine.*

[Approved January 25, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Assessments legalized. SECTION 1. The assessment of taxes upon all property, both real and personal, in the present County of Alpine, and formerly in the Eighth and Ninth Townships of Amador County, made by the former Assessors of said townships, and returned to said County of Alpine as the assessment therein, and also by the County Assessor of Alpine County, whether for State, county, or other purposes, for the fiscal year ending on the first day of March, eighteen hundred and sixty-five; also, the assessment of taxes upon all property, both real and personal, in the County of Alpine, whether for State, county, or other purposes, for the fiscal year ending March first, eighteen hundred and sixty-six, are hereby legalized and confirmed, and rendered valid and binding, both in law and equity, as the legal and proper assessment for Alpine County against the persons and property assessed; and no defect or informality in the levy or assessment, or failure to comply with previous Acts of the Legislature regulating assessments, shall constitute a defence to any action brought to enforce the payment of such taxes.

Informality no defence.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. XLVII.—*An Act amendatory of an Act, approved March twenty-eighth, eighteen hundred and sixty-four, entitled an Act supplementary to an Act entitled an Act to exempt Firemen from Militia and Jury duty, passed March twenty-fifth, eighteen hundred and fifty-three.*

[Approved January 25, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is hereby amended so as to read as follows:

Section 4. The Secretary of every such Fire Department is hereby authorized and empowered to issue certificates of exemption to all such firemen belonging to his department as now or hereafter may be exempt from militia or jury duty by the laws of this State, and shall charge such fee therefor as the Board of Delegates of his department shall authorize to be charged, not exceeding the sum of three dollars for each certificate; the amount so collected to be expended in paying the necessary expenses of said Board of Delegates, or in such manner as said Board shall direct. The Secretary shall also make an entry of the issuance of each certificate, with the date thereof, in the minute book of the proceedings of the Board of Delegates.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. XLVIII.—An Act to amend an Act entitled an Act concerning Roads and Highways in the County of Plumas, approved April twenty-fifth, eighteen hundred and sixty-three.

[Approved January 25, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of said Act shall be amended so as to read as follows:

Section 10. The Board of Supervisors of Plumas County shall have power to levy a road poll tax on all men in said county of the age of twenty-one years and upwards, which tax shall not exceed the sum of four dollars per annum, payable in cash; said tax shall be levied annually in the month of February, which tax so levied shall be due and payable on and after the first Monday of March following.

SEC. 2. Section eleven of said Act shall be amended so as to read as follows:

Section 11. The Board of Supervisors shall annually, in the month of February, appoint one responsible person in each township as Road Tax Collector, who shall be a resident thereof, and shall give bonds in such sum as the Board may direct for the faithful performance of his duties. Said Collector shall collect the road tax levied in accordance with section ten of this Act. He shall enter upon the duties of his office on the first Monday of March following his appointment, and continue in office until the first Monday of February next succeeding, unless sooner removed by the Board of Supervisors for good cause shown. Said Board shall have power to remove such Collectors and to fill vacancies at any regular session. The Collector of each township shall, immediately after entering upon the duties of his office, proceed and collect said road tax from each and every person liable to pay such tax living within his township; provided, that when any of such persons have already paid said tax in some other township, they shall not be required to pay the tax again; and failing to perform the duties required by this

Penalty for
neglect of.

Act he shall be deemed guilty of a misdemeanor, and be liable to a prosecution therefor before any Justice of the Peace in said county on complaint of any citizen of his township, and shall be subject to the fines and penalties as hereinafter provided against Road Overseers for non-performance of their duties, and the same disposition shall made of the fines collected.

SEC. 3. Section fifteen of said Act is hereby amended so as to read as follows:

Duties of Collector. Section 15. It shall be the duty of the Collector of each township to keep a book, in which he shall enter or cause to be entered the name of each person from whom he shall collect a road tax, the year and day of the month so collected, and as minutely as possible in what portion of the township each tax payer resides. He shall present a written statement under oath to the County Treasurer, on or before the first Monday of August, November, and February, of each year, and pay over all moneys collected by him, after deducting his percentage for the collection of the same, for which payment he shall take a receipt and a duplicate thereof from the Treasurer, and shall file the original with the County Auditor within five days thereafter. The Collector of each township shall, at his annual settlement on the first Monday of February, deliver to the County Auditor all books, papers, and road tax receipts in his possession belonging to said office, or at such other times as the Board may direct, taking the Auditor's receipt therefor. All such tax receipts so returned shall be placed to his credit in the said Auditor's account.

Settlement. **SEC. 4.** Section sixteen of said Act is hereby amended so as to read as follows:

Percentage of Collector. Section 16. The Board of Supervisors shall at their February term in each year, fix, by an order to be entered on their journal of proceedings, the amount of percentage that each Collector shall receive for the collection of said tax for the succeeding year, which shall not exceed fifteen per cent upon the amount collected.

SEC. 5. Section seventeen of said Act is hereby amended so as to read as follows:

Property of delinquents to be sold. Section 17. Any person liable to pay a road tax levied in pursuance of section ten of this Act, refusing to pay the same on demand being made by the Road Tax Collector of his district, shall be considered a delinquent; and the Collector is hereby empowered to seize upon any property belonging to said delinquent, and shall sell the same at public auction to the highest bidder for cash, or so much thereof as shall be necessary to satisfy said delinquent tax, and three dollars additional as cost to the Collector for his services in making such sales, after having given one hour's notice to sell the same by a public proclamation; and in case no bidders are present nor any bid offered for the property at the hour of sale, he shall postpone the sale from day to day by proclamation, not to exceed five days. The Collector shall, immediately after the sale, execute to the purchaser or purchasers of the property a certificate of sale as is required to be given by Sheriffs upon the sale of property under execution; and if the property so sold shall sell

Certificate of sale.

for more than is required to satisfy the tax and costs, the Collector shall pay the balance to the delinquent taxpayer.

SEC. 6. Section twenty-three of said Act is hereby amended so as to read as follows:

Section 23. The Board of Supervisors shall have power to levy a property tax, not to exceed twenty-five cents on each one hundred dollars worth of taxable property in said county, for road purposes, at the same time that the State and county taxes are levied; which tax so levied shall be assessed and collected by the Assessor and Collector of Taxes of the county in the same manner as in the assessment and collection of State and county taxes; and all moneys so collected shall be paid by the Collector to the County Treasurer, who shall keep the same in a fund by itself, which shall be known as the "County Road Fund." The Board of Supervisors shall have power to appropriate said moneys for the building of bridges, roads, or other incidental road expenses in the county.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAP. XLIX.—*An Act to appropriate money for Contingent Expenses of the Legislature.*

[Approved January 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of twelve thousand dollars (\$12,000) is appropriated out of any money in the General Fund in the State Treasury not otherwise appropriated, for the following purposes, viz: five thousand dollars (\$5,000) for the payment of contingent expenses of the Senate, and seven thousand dollars (\$7,000) for the payment of contingent expenses of the Assembly, for the sixteenth session of the Legislature.

SEC. 2. An Act entitled an Act to transfer certain funds, approved January twentieth, one thousand eight hundred and sixty-six, is hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. L.—*An Act to provide for the care of the Indigent Sick of the County of Sierra.*

[Approved January 29, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Levy of
Hospital poll
tax.

SECTION 1. The Board of Supervisors of the County of Sierra shall annually, at their regular meeting in February, levy a poll tax of one dollar on each male inhabitant of the county, to be known as the Hospital Poll Tax.

Disposition
of moneys.

SEC. 2. The tax specified in this Act shall be collected at the same time and in the same manner as other poll taxes, and the moneys arising from said tax, together with all moneys received from the State of California for hospital purposes, shall be paid into a fund to be known as the Hospital Fund, and shall be applied to the payment of the expenses incurred in the care of the indigent sick of the county (other than the salary of the County Physician) and for building and furnishing a suitable Hospital

Blank
receipts.

SEC. 3. The County Auditor shall provide blank receipts (changing the style thereof each year) for the tax herein mentioned, which receipts shall be signed and numbered by the County Treasurer, and by him delivered to the County Auditor taking his receipt therefor.

Duty of
Auditor.

SEC. 4. It shall be the duty of the County Auditor to sign said receipts, and from time to time deliver to the Collector of poll taxes as many of said receipts as he may require, taking his receipt therefor, and said Collector shall be held on his official bond for the faithful discharge of his duties in the collection of said tax.

Care of indi-
gent sick.

SEC. 5. It shall be the duty of the Board of Supervisors of the County of Sierra to provide for the care of the indigent sick of the county; *provided*, said Board (if they deem it necessary) may, during the year eighteen hundred and sixty-six, apply the moneys received from the hospital poll tax for that year in purchasing a suitable lot, and erecting thereon a suitable Hospital.

Collector's
percentage.

SEC. 6. Ninety per cent of the moneys collected under the provisions of this Act shall be paid into the County Treasury for hospital purposes; the remaining ten per cent shall be retained by the Collector for his services in collecting the same.

SEC. 7. This Act shall take effect immediately.

CHAP. LI.—An Act to authorize the Board of Supervisors of Placer County to levy a special poll tax for the support of the Common Schools and Indigent Sick of Placer County.

[Approved January 29, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors in and for the County of Placer is hereby authorized and required, in addition to the taxes authorized by existing laws, to levy annually a special poll tax of two dollars on each male inhabitant of said county not by law exempt from poll tax, which shall be assessed and collected in the same manner as other poll taxes are assessed and collected under the general revenue laws of this State; and all the provisions of the laws now in force, or which may be enacted hereafter, regulating and prescribing the duties of officers for assessing and collecting the poll tax for State and county purposes, shall be applicable to the assessment and collection of the special poll tax authorized and required to be levied and collected by this Act.

SEC. 2. The County Treasurer of said county shall annually, before the first Monday of March of each year, cause a sufficient number of proper blank receipts for said special poll tax, of uniform appearance, changing the style thereof each year, to be printed; and the said Treasurer shall number and sign each of said receipts, and deliver the same to the County Auditor of said county, who shall receipt to said Treasurer therefor; and the County Auditor shall sign each of said receipts, and shall from time to time, and in the same manner and at the same time prescribed by law for the delivery to the Collectors of said county of other poll tax receipts, deliver to each Collector in said county a number of said special poll tax receipts equal to the probable number of persons liable to pay poll tax in the respective districts of said Collectors, who shall receipt to said Auditor therefor.

SEC. 3. The Collectors of said county shall retain fifteen per cent of all moneys collected by virtue of this Act, in full for all fees and percentage for collecting and settling said tax, and the balance shall be by the said Collectors paid into the County Treasury at the same time and in the same manner as is prescribed by law in relation to State and county poll tax; and the County Auditor and County Treasurer shall place the same to the credit of the County Hospital Fund, for the care and support of the indigent sick of Placer County, and to the County School Fund for the support of the common schools for said county, in the following proportions, to wit: To the County Hospital Fund, seven seventeenths of the amount received from Collectors on account of said tax; and to the County School Fund, ten seventeenths of the amount received from Collectors on account of said tax.

SEC. 4. This Act shall take effect and be in force from and after its passage.

*Levy and
collection of
tax.*

*Blank
receipts.*

*Duty of
Auditor.*

*Collector's
percentage.*

*Disposition
of moneys.*

CHAP. LIII.—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county expenditures.

[Approved January 29, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Levy of tax. SECTION 1. The Board of Supervisors of Mariposa County are hereby authorized and empowered, if they deem it expedient, to levy for each or both of the years one thousand eight hundred and sixty-six and one thousand eight hundred and sixty-seven, a tax of fifty cents, or any part thereof, upon each one hundred dollars of taxable property in said county for county purposes, in addition to the taxes now authorized by law to be levied and collected for said purposes; and the income derived from said tax shall be apportioned among the different County Funds as said Board may deem expedient.

Apportionment.

SEC. 2. The tax authorized to be levied in section one of this Act shall be collected in the same manner as the taxes for county purposes are authorized by law to be collected.

SEC. 3. This Act shall take effect from and after its passage

CHAP. LIII.—An Act to confirm a certain contract for sale of stock held by the County of San Mateo in the San Francisco and San José Railroad Company.

[Approved January 29, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Contract ratified.

SECTION 1. Whereas, a certain contract or agreement was made and entered into on the third day of April, A. D. eighteen hundred and sixty-five, purporting to be between the County of San Mateo of the first part, and Henry M. Newhall, Peter Donahue, and Charles B. Polhemus of the second part, for the sale, in the manner and upon the conditions therein mentioned, of one thousand shares of stock held by said county in the San Francisco and San José Railroad, which agreement is signed and executed by H. M. Newhall, Peter Donahue by John T. Doyle his attorney in fact, and C. B. Polhemus, parties of the first part, and by Geo. H. Howard, President, and Thomas H. Noble, Clerk of the Board of Supervisors of said county, for and on behalf of said Board and county; and, whereas, also, a certain order of the Board of Supervisors of the said County of San Mateo, reciting and confirming said agreement, and containing certain other provisions, was thereupon and on the same day made and entered and bearing the same date; now, therefore, be it enacted, that the said agreement and sale of stock, in the manner and upon the conditions therein specified, and the order of the Board

Supervisors aforesaid, be and the same are in all things ratified and confirmed.

Sec. 2. This Act shall take effect from and after its passage.

CHAP. LIV.—An Act to authorize the Trustees of the California Art Union to distribute Works of Art.

[Approved January 29, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Trustees of the California Art Union shall have power to make lawful distribution of works of art among the subscribers and stockholders of the association, in such manner and at such time or times as the majority of the Board may deem best.

Trustees to
distribute
works of
art.

Sec. 2. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

Sec. 3. This Act shall take effect from and after its passage.

CHAP. LV.—An Act to authorize the Board of Supervisors of the City and County of San Francisco to close up Waller street, between Laguna and Buchanan streets.

[Approved January 23, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby empowered to close up Waller street, between Laguna and Buchanan streets, in said city and county, and dedicate that portion of the street which may be closed up as aforesaid permanently to the use of the Protestant Orphan Asylum of said city and county.

Authority to
close street.

Sec. 2. This Act shall take effect immediately.

CHAP. LVI.—An Act in relation to the widening of Kearney and Third streets in the City and County of San Francisco.

[Approved January 30, 1866.]

WHEREAS, The Board of Supervisors of the City and County of San Francisco, by virtue of the powers conferred upon it by an Act entitled an Act to declare and regulate the power of the

Preamble. Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, and to declare the manner of its execution, approved the fourth day of April, one thousand eight hundred and sixty-four, has determined and instituted proceedings to widen that portion of Kearney street lying between Broadway and Market streets, and also a portion of Third street, all in said city and county; and, whereas, for the purpose of carrying out such determination of the said Board of Supervisors, Commissioners of appraisal and assessment have been appointed under the provisions of said Act; and, whereas, the said City and County of San Francisco is the owner of certain property beneficially or injuriously affected by the widening of said streets, which has been omitted and overlooked in the proceedings under said Act, and in the appraisement and assessment of said Commissioners, which proceedings are yet pending and undetermined; and, whereas, the said City and County of San Francisco, by resolution of the Board of Supervisors thereof, entitled Resolution Number Four Thousand Nine Hundred and Twenty-three, (No. 4,923,) passed November the twenty-seventh, in the year eighteen hundred and sixty-five, has requested that an Act might be passed authorizing the assessment of the property of said city and county; therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Powers and duties of Commissioners.

SECTION 1. The Commissioners of appraisal and assessment appointed in the said proceedings to widen Kearney and Third streets, in the City and County of San Francisco, and their successors, in any appraisement, apportionment, and assessment of damages, costs, and charges, for such public improvement, and the benefits acquired by the making thereof, may take into consideration any lands and tenements of said City and County of San Francisco affected thereby, the same as if such lands and tenements had been mentioned in all orders, maps, advertisements, and proceedings, heretofore made or had, and authorized and required by said Act; and said Commissioners, without notice or publication being made, as required by said Act, are authorized and empowered to appraise the damages and assess the benefits which said city and county may sustain or acquire by said improvements, in the same manner and proportion in all respects as other owners of lands and tenements affected by said improvements may be or are appraised and assessed.

Allowance of awards.

SEC. 2. The Board of Supervisors of the City and County of San Francisco is authorized and empowered to appropriate, allow and order to be paid out of the General Fund, any moneys which may be awarded or assessed against said city and county in said proceedings upon the final confirmation of the report of said Commissioners.

Auditing and payment.

SEC. 3. The Auditor of said City and County of San Francisco is hereby directed and empowered to audit and allow the said sum or sums of money when so appropriated and ordered to be paid, and the Treasurer thereof to pay the same out of said General Fund; and said moneys so appropriated and ordered to be paid shall be paid in the same manner and towards an

for the same purposes as the sums levied and collected on and from the owners and occupants of any property benefited by said improvements are by the hereinbefore recited Act directed and authorized to be paid.

SEC. 4. The Resolution of said Board of Supervisors of the City and County of San Francisco, numbered Three Thousand Eight Hundred and Twenty-Seven, (No. 3,827,) authorizing the Committee on Streets, Wharves, and Public Squares, to have the iron fence on the easterly side of Portsmouth Square removed back to the proposed new line of Kearney street, is hereby confirmed and ratified; and that portion of said square situated between the former westerly line of Kearney street and the new westerly line of Kearney street, as proposed under said proceedings, is hereby declared to be a part of said Kearney street.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. LVII.—An Act to provide for the time of holding the County Court and Probate Court in the County of Solano.

[Approved January 30, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be held in the County of Solano terms of the County Court and Probate Court as follows, to wit: On the first Monday in April, August, and December, of each year, which shall continue until the business thereof is disposed of.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed; and this Act shall take effect from and after its passage.

CHAP. LVIII.—An Act for the relief of T. C. Hays.

[Approved January 30, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby authorized and required to draw his warrant in favor of T. C. Hays for the sum of one hundred and forty-three dollars and eighty-two cents, (being the State's portion of ninety-four poll tax receipts which were lost and paid for by the said Hays whilst Assessor of Tulare County,) and the same is hereby appropriated out of any moneys in the General Fund not otherwise appropriated.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. LIX.—*An Act for the relief of J. A. Moultrie.*

[Approved January 30, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropria-
tion.

SECTION 1. The sum of four thousand two hundred and twenty dollars is hereby appropriated out of any money in the General Fund in the State Treasury not otherwise appropriated, to pay the salary of the said J. A. Moultrie for services as County Judge of Mono County, rendered for said county and in behalf of the State from the latter part of the month of April, Anno Domini eighteen hundred and sixty-one, until the latter part of June, Anno Domini eighteen hundred and sixty-three, inclusive; said sum being the amount of his salary as fixed by an Act of the Legislature of this State; and the Controller of State is hereby authorized and directed to draw his warrant in favor of the said Moultrie for said sum of four thousand two hundred and twenty dollars, and the Treasurer of State to pay the same; *provided*, the said Moultrie shall surrender up and deliver to the said Controller at the time of the issuance of his said warrant, all of the county warrants which have been issued to him by the Auditor of said Mono County for said services as County Judge, and indorsed by the Treasurer thereof, and being seventeen in number.

Proviso.

SEC. 2. This Act shall be in force and take effect from and after its passage.

CHAP. LX.—*An Act to provide for the collection of delinquent taxes in the Town of Downieville.*

[Approved January 30, 1866.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:***Assessments
legalized.**

SECTION 1. The assessments of taxes upon all property, both real and personal, in the corporate limits of the Town of Downieville, as assessed and levied by the Board of Trustees of said town for the year one thousand eight hundred and sixty-four, and the assessments of taxes upon all property, both real and personal, in the corporate limits of the Town of Downieville, as assessed and levied by the Board of Trustees of said town for the year one thousand eight hundred and sixty-five, are hereby legalized and confirmed, and rendered valid and binding, both in law and equity, against the persons and property assessed.

**Trustees to
commence
suits for un-
paid taxes.**

SEC. 2. The Board of Trustees of said Town of Downieville are hereby authorized and directed to commence civil actions in the name of the Town of Downieville in any of the Justices' Courts in Sierra County, or in the District Court, Tenth Judicial District, to recover the unpaid corporation taxes in said town for the years mentioned in the preceding section; said actions

shall be commenced by complaint, which shall designate the amount of taxes due and unpaid, and shall state the kind and quantity of property assessed, as the same shall appear upon the list of property assessed as prepared by the Marshal of said town for each of said years mentioned in the preceding section; and the defendant shall not be allowed to set up or show any informality in the levy [or] assessment as a defence; such defendant being allowed only to plead:

First—That the taxes had been paid before suit brought; or, *Defence*.

Second—That he had not the property mentioned in the complaint at the time of the assessment, and has never been liable to pay said taxes. And no answer shall be filed in any such case unless the same be verified by oath.

SEC. 3. The tax lists as prepared by the Marshal of said town for the said years mentioned in section one, certified to by the Board of Trustees, or the Secretary of said Board, or a copy of said lists, or a copy of any entry therein, duly certified by the officers aforesaid, showing unpaid taxes against any person or property, shall be evidence in any Court to prove the delinquency, property assessed, the amount of taxes due and unpaid, and that all the forms of law in relation to the levy and assessment of such taxes have been complied with. But the said tax lists, or copies therefrom, need not be filed in any case.

SEC. 4. The several Justicos' Courts of Sierra County, and *Jurisdiction*. the District Court in and for said county, shall have jurisdiction, according to the amount involved and nature of action, of all suits brought by the said Board of Trustees for the collection of town taxes for the years mentioned in section one; and in case of suit under the provisions of this Act, the Justice of the Peace in whose Court it is brought, or the Clerk of the District Court, and the officers in whose hands the papers are placed for service, shall perform the duties required without payment of fees in advance, and without any payment whatever unless the same is made at the cost of the defendant; and any witness subpoenaed shall attend without being entitled to demand or receive any fee or mileage in advance, and no witness shall receive any fee or mileage, unless the same is made out of the defendant as costs; and in case of judgment for defendant it shall be general and without costs; and if any one of the Board of Trustees, or the Marshal, or Corporation Attorney shall demand it, a writ of attachment shall issue without a bond being filed, and without any other matter or thing being had or done, except the filing of the complaint as hereinbefore provided.

SEC. 5. Judgments rendered in such cases in the District *Judgments*. Court shall be docketed, and become liens upon all property of the defendants liable to taxation, and may be enforced against the same; and the Board of Trustees or their agents may file transcripts of judgments rendered in Justices' Courts under this Act with the County Clerk, who shall thereupon docket such judgment, and they shall become liens from and after such docket entry in like manner as judgments rendered in the District Court under this Act; and the County Clerk may issue

Informality
no defence.

Tax lists
evidence.

Fees need not
be prepaid.

executions on such docketed Justices' judgments as on judgments rendered in the District Court.

Proceedings. SEC. 6. An Act to regulate proceedings in civil cases in the Courts of justice of this State, so far as the same is not inconsistent with the provisions of this Act, is hereby made applicable to proceedings under this Act; and any sale of personal property upon judgment and execution under this Act shall vest the title thereof in the purchaser at such sale; and any deed derived from a sale of real property under this Act shall be conclusive evidence of title, except as against actual frauds and prepayment of the taxes, and shall entitle the holder thereof to a writ of assistance from the District Court, District or County Judge, to obtain possession of such property; *provided*, that the officer, in selling said property, shall only sell the smallest quantity that any purchaser will take and pay the judgment and all costs; and, *provided*, further, the Marshal of said town shall have and exercise the same powers in the collection of said taxes as Constables and Sheriffs have in civil actions. All moneys collected under this Act, except costs and charges, shall without delay be paid to the Treasurer of said town, and each collection shall be entered opposite the proper name or property on said tax list.

Unknown owners. SEC. 7. If the name of the owner of any property upon which taxes remain unpaid be unknown, or if the same has been assessed to an unknown owner, or if the owner of the property be a non-resident of the Town of Downieville, the summons may be issued in a fictitious name, or in the name to which the property was assessed, and be served by posting a copy thereof in three public places in said town for the period of ten days, one of which copies shall be posted on or near the property assessed, and a deed derived from the sale of such property under the provisions of this Act shall be equally conclusive against the true owner of such property as if the action had been prosecuted in the name of and service of summons had upon said owner by his real name.

Summons and service. SEC. 8. Before suit is brought under the provisions of this Act, the Board of Trustees shall cause each person owing taxes for said years mentioned in section one, if a resident of said town, to be notified of the amount of the tax or taxes due and unpaid, and that unless the same be paid within ten days from date of notice, suit will be commenced therefor. For services under this Act the Corporation Attorney shall be entitled to a compensation equivalent to twenty per cent on the amount recovered, to be added to and constitute a part of the judgment; and all officers shall perform such services as may be required of them under this Act without the payment of fees in advance, but they may charge and receive to their own use such fees as are allowed for such services in other cases; *provided*, such fees are collected of the defendant, which fees shall be added to and constitute a part of the judgment.

Fees. SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAP. LXI.—An Act to authorize the Board of Supervisors in and for the County of Sutter to levy an additional Tax for county purposes.

[Approved January 30, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Sutter County are hereby authorized and required to levy and cause to be collected for the year Anno Domini eighteen hundred and sixty-six and eighteen hundred and sixty-seven, a tax of twenty-five cents on each one hundred dollars of taxable property of said county for general purposes, in addition to the tax now authorized by law to be levied and collected in said county for county expenditures, and the income derived from the provision of this Act shall be expended as other money in the General Fund of said county.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. LXII.—An Act to provide for the construction and maintenance of a Wagon Road from Downieville to Sierraville, in Sierra County.

[Approved January 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. James A. Johnson and T. J. Bowers, their associates or assigns, are hereby authorized to construct a wagon road from Downieville to Sierraville, in Sierra County, over any public route, trail, or path they may select, and to erect toll gates and collect tolls thereon, at such points and at such rates as the Board of Supervisors of said county may fix and establish, for the period of eight years from the completion of said road.

SEC. 2. The County Clerk of Sierra County shall cause to be published in a weekly newspaper published in said county, for three weeks at least before the first Monday in March, Anno Domini eighteen hundred and sixty-six, a notice, setting forth that on said first Monday in March an election will be held at the several precincts in said county which were used as such at the general election in Anno Domini eighteen hundred and sixty-five, for the purpose of determining whether said county shall pay to the persons mentioned in section one of this Act the sum of fifty-six thousand dollars, with interest thereon as hereinafter specified. Said Clerk shall also appoint Judges and Inspectors of Election for each precinct, furnish them with suitable poll lists, and publish the names of such Judges and Inspectors with the notice in this section required.

SEC. 3. On said first Monday in March the qualified electors of said county may vote as to whether the Board of Supervisors shall issue to the parties mentioned in section one the bonds of

said county for the sum of fifty-six thousand dollars. Said electors shall vote either printed or written ballots, on which shall be the words, "For building the wagon road—county bonds, fifty-six thousand dollars." Every ballot in favor of the proposition shall have written or printed thereon the word "Yes;" and every ballot against the proposition shall have written or printed thereon the word "No." Said election shall be conducted in all respects as general elections for county officers are by law conducted; and in like manner sealed returns of the votes cast shall be made to the Board of Supervisors within six days after said day of election.

Returns. SEC. 4. On the tenth day after said election, the Board of Supervisors of said county shall meet as a Board of Canvassers, and proceed from day to day, until completed, to open and count said returns, and shall officially declare the result of said election.

Bond for completion of road. SEC. 5. If a majority of all the votes returned are found to be in favor of the proposition to build said road, the parties mentioned in section one shall, within six weeks after such result has been declared by said Board of Canvassers, execute and deliver to the Board of Supervisors, for the use of said county, a good and sufficient bond, to be approved by the members of said Board, in the penal sum of seventy-five thousand dollars, which bond shall be so conditioned that if said parties fail to have said wagon road completed, with all the necessary bridges, culverts, and embankments to render the same practicable for teams of six or eight mules or horses, with the customary wagon and freights for such teams, on or before the first day of August, Anno Domini eighteen hundred and sixty-seven, then the County of Sierra, upon suit instituted by said Board of Supervisors on said bond, may recover thereon the whole of said sum of seventy-five thousand dollars.

Issuance of gold coin bonds. SEC. 6. Within twenty days after the delivery and approval of the bond, as mentioned in the last section, the Board of Supervisors of Sierra County shall issue to the parties mentioned in section one of this Act the bonds of Sierra County for the sum of fifty-six thousand dollars, thirty thousand dollars thereof in bonds of one thousand dollars each, and the remaining twenty-six thousand dollars in bonds of five hundred dollars each. All of said bonds shall be payable and be paid in gold coin only, and at the office of the Treasurer of Sierra County, eight years from their date. They shall be numbered consecutively, from one to the last, commencing with the five hundred dollar bonds; and shall be registered as other evidences of the indebtedness of said county, and shall be paid in like manner out of the General Fund, unless the Board of Supervisors of said county shall hereafter provide a special fund for that purpose. They shall bear interest at ten per cent per annum, which interest shall be payable in gold coin, semi-annually, at the office of said Treasurer, out of the General Fund, unless the Board of Supervisors shall hereafter provide a special fund for that purpose; and whenever any interest shall become due and remain unpaid for the period of thirty days, the same shall draw interest thereafter at the rate of ten per cent per annum.

Rate and payment of interest. SEC. 7. Said bonds shall be prepared with sixteen coupons attached to each, so arranged as to be readily removed without

injury to the bond or other coupons; said coupons shall be numbered consecutively, commencing on each bond with number one, and each coupon shall express the amount of interest due at its maturity, and when and where payable; each bond and coupon shall be signed by the Chairman of the Board of Supervisors, countersigned by the Auditor, and indorsed by the Treasurer of Sierra County.

SEC. 8. The Auditor and Treasurer of Sierra County shall Record of bonds. each keep a record of all the bonds issued under this Act, which record shall show the date, number, in whose favor issued, and the amount of each bond issued.

SEC. 9. Upon the payment of any bond or coupon, the same Cancellation shall be delivered up to the County Treasurer, who shall cancel said bond in the presence of the County Judge, and the said Judge and Treasurer shall make and sign a certificate of such cancellation, and file the same with the Clerk of the Board of Supervisors, and a note of such payment shall be made in the records provided for in section eight.

SEC. 10. At the expiration of eight years after the completion of said road, it shall pass to Sierra County, which county may collect thereon such reasonable tolls and charges as the Board of Supervisors may direct, for a period of twenty years, after which no tolls or charges shall be collected on said road, unless hereafter so enacted by the Legislature. Road to pass to county.

SEC. 11. For a failure or refusal of any officer of Sierra County, or of the Chairman or any member of the Board of Supervisors, to perform any act or duty required by this Act, such officer or person shall be personally liable for all damages which any person may sustain in consequence thereof, and shall be deemed guilty of a misdemeanor, and on conviction shall be fined not to exceed one thousand dollars, or imprisoned in the County Jail not to exceed five hundred days, or punished by both such fine and imprisonment, in the discretion of the Court. Penalties for neglect of duties.

SEC. 12. The reasonable cost (not to exceed in the aggregate Cost of bonds. five hundred dollars) of preparing and executing the county bonds and coupons herein provided for, shall be paid out of the Treasury of Sierra County, in such manner as the Board of Supervisors may direct.

SEC. 13. This Act shall take effect and be in force immediately after its passage.

CHAP. LXIII.—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, to provide for the payment of the same, and other matters relating thereto, approved April sixteenth, eighteen hundred and fifty-nine.

[Approved January 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of said Act is hereby amended so as to read as follows:

Levy of tax. Section 8. It shall be the duty of the Board of Supervisors of Solano County to levy a special tax annually, in addition to other taxes provided for by law, upon the taxable property in the county, of twelve and a half cents upon each one hundred dollars value of taxable property, to be styled an Interest Tax; and also a tax of twenty-five cents upon each one hundred dollars of property, for the purpose of raising a fund for the liquidation of said bonds, which shall be styled a Loan Fund Tax. The said taxes shall be levied and collected at the same time and in the same manner as the general taxes for State and county purposes; and when collected shall be paid over to the County Treasurer, who shall account for and deliver the same over to the said Loan Commissioners, to be by them applied:

How applied. *First*—The Interest Tax, to the payment of the interest falling due on said bonds;

Second—The Loan Fund Tax, to the redemption of said bonds, as hereinafter provided.

CHAP. LXIV.—An Act to authorize the husband and wife to become witnesses in criminal actions.

[Approved January 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Husband and wife may be witnesses.

SECTION 1. In all criminal actions where the husband is the party accused, the wife shall be a competent witness, and when the wife is the party accused, the husband shall be a competent witness; but neither husband nor wife shall be compelled or allowed to testify in such cases unless by consent of both of them; *provided*, that in all cases of personal violence upon either by the other, the injured party (husband or wife) shall be allowed to testify against the other.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. LXV.—An Act to repeal an Act entitled an Act concerning officers of the County of Los Angeles, approved March twenty-third, one thousand eight hundred and sixty-one.

[Approved January 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. An Act concerning officers of the County of ~~Los~~ Repeal. Angeles, approved March twenty-third, one thousand eight hundred and sixty-one, be and the same is hereby repealed.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. LXVI.—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Humboldt County to annul certain bonds.

[Approved January 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. An Act entitled an Act to authorize the Board of ~~Repeal.~~ Supervisors of Humboldt County to annul certain bonds, approved April fourth, one thousand eight hundred and sixty-four, is hereby repealed.

SEC. 2. This Act to take effect from and after its passage.

CHAP. LXVII.—An Act supplemental to an Act entitled an Act to fund the debt of the County of Sonoma, and to provide for the payment of the same, approved March the twentieth, one thousand eight hundred and sixty.

[Approved January 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The time provided by the first section of the Act ~~Payment~~ ^{extended.} approved March twentieth, one thousand eight hundred and sixty, for the payment of the funded debt of Sonoma County, is hereby extended to the first Monday of December, one thousand eight hundred and sixty-seven, anything in the said Act of March the twentieth, one thousand eight hundred and sixty to the contrary notwithstanding.

SEC. 2. If after the payment of all the said funded debt of the ~~County of Sonoma,~~ ^{Transfer of funds.} should there at any time be any funds remaining in the County Treasury properly belonging to either the Sinking or Interest Fund authorized to be levied by said Act,

the same shall immediately be transferred to the County General Fund of said county.

CHAP. LXVIII.—*An Act concerning the powers of the Board of Trustees of the City of Sacramento.*

[Approved January 31, 1866.]

The People of the State of California, represented in the Senate and Assembly, do enact as follows:

No license required from mechanical artisan.

SECTION 1. That nothing in the Act of April twenty-fifth, one thousand eight hundred and sixty-three, entitled an Act to incorporate the City of Sacramento, was intended to, and nothing in said Act, or any amendment thereto, shall be taken or construed to grant to the Board of Trustees power to fix or collect any license tax for selling by the producer thereof any article produced by a mechanical artisan in the transaction of his business, nor to fix and collect any license tax on any mechanical artisan for the manufacture of any articles in his business.

SEC. 2. This Act shall take effect immediately.

CHAP. LXIX.—*An Act to authorize the Board of Supervisors of Solano County to levy an additional Road Tax.*

[Approved February 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Levy of tax. **SECTION 1.** The Board of Supervisors of Solano County are hereby authorized, at their regular meeting in February, A. D. eighteen hundred and sixty-six, and at their regular meeting in February, A. D. eighteen hundred and sixty-seven, to levy an additional tax, not exceeding thirty cents on each one hundred dollars, on all taxable property in said county; said tax shall be assessed and collected in the same manner as other taxes are assessed and collected, and when collected shall be paid into the Treasury and placed to the credit of the Road Fund of said county, and shall be subject to the order of the Board of Supervisors; said funds shall be used for no other purpose than for laying out and improving public roads, and building and repairing bridges in Solano County.

SEC. 2. This Act shall remain in force until the first day of January, A. D. eighteen hundred and sixty-eight, and no longer.

CHAP. LXX.—An Act amendatory of an Act concerning suits wherein the State is a party, approved March twenty-eighth, eighteen hundred and sixty-four.

[Approved February 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is amended so as to read as follows:

Section 3. In any civil action or proceeding wherein the State or the people of the State is a party plaintiff, or wherein any officer of the State on its behalf or in his official capacity, or a county, is a party plaintiff or defendant, Sheriffs, County Clerks, the Supreme Court Clerk, and all other officers, and all persons required by law to perform services in any such action or proceedings, shall perform such services for the State, or the people of the State, or any State officer acting on behalf of the State or in his official capacity, or a county, without requiring payment of his fees therefor in advance; but all such fees, and the costs accruing for said services, whenever allowable, shall become a charge against the State or county, as the case may be, and shall be audited and allowed as other demands; *provided*, that in any action or proceeding brought or had for the collection of any delinquent taxes, assessments, or liens, no officer shall be entitled to charge, claim, demand, or receive from the county or State any fees or compensation whatsoever for any services rendered by him in any such action or proceeding.

Sec. 2. This Act shall take effect from and after its passage.

CHAP. LXXI.—An Act entitled an Act to provide for the better maintenance of indigent sick persons in the County of Mariposa.

[Approved February 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Mariposa County are hereby empowered to levy annually and cause to be collected ^{Levy of} ~~poll tax~~ in said county, in addition to the amount now provided by law to be levied for the support and care of indigent sick in said county, such special poll tax as they may deem necessary, not to exceed the sum of two dollars on each taxable inhabitant of said county; and all moneys arising from such tax shall be appropriated to the care, support, and maintenance of the indigent sick of said county as in this Act provided.

Sec. 2. The taxes specified in this Act shall be collected at the same time and in the same manner as other taxes, and by

Collection and disposition thereof. the same officer or officers who are now or may hereafter be authorized by law to collect State and County revenue; and the said taxes when collected shall be paid into the County Treasury by the officer or officers collecting the same, and the County Treasurer shall give receipts therefor; and the moneys thus collected shall be known as the Indigent Sick Fund of Mariposa County, and shall be used for the care, maintenance, and protection of the indigent sick of said county, and shall be appropriated to no other purpose whatever.

Blank receipts. SEC. 3. The County Auditor shall provide blank receipts for the poll tax in this Act provided, which shall be signed by the Chairman of the Board of Supervisors, and delivered by the Clerk of such Board to the County Treasurer, taking his receipts therefor. The County Treasurer shall deliver such receipts, whenever the same are called for, to the officer or officers authorized by law to collect the taxes in this Act specified, taking receipts therefor. The officer or officers collecting such taxes shall settle monthly, and on the first Monday of each month, with the County Treasurer, accounting for all receipts, and pay over all moneys collected under this Act into the County Treasury, after deducting twelve per cent as collection fees, taking the Treasurer's receipt for such payments. The Treasurer shall settle with the County Auditor on the day in each month succeeding the day on which the officer or officers collecting the taxes provided under this Act make settlement with the County Treasurer, and account for all receipts received by him under this Act, in the same manner as required in other cases of collection and disbursements of revenue. The Treasurer shall retain three per cent of the amount paid into the Treasury for the purpose of paying for printing the receipts in this Act named, to be drawn only on the warrant of the Auditor.

Collection fees. Settlement. SEC. 4. The Board of Supervisors shall provide for the care and maintenance of the indigent sick of said county, and may make such contracts concerning the same as they may deem advisable; but no contract for a longer time than one year shall have any validity. The Board shall provide necessary medical attendance for such sick; *provided*, that such Board shall not appoint any person as medical visitor or attendant on such sick who is not a graduate of some respectable medical college, or a licentiate of some medical Board appointed by the Legislature of this or some other State; and, *provided*, further, that no person appointed by said Board as medical visitor or attendant on such sick shall appoint any person to visit or attend such sick who is not a graduate or licentiate as in this section provided.

Contracts for care of sick. Physician. SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act, so far as they apply to Mariposa County, are hereby repealed.

SEC. 6. This Act shall take effect from and after its passage.

CHAP. LXXII.—An Act to extend the time for constructing a Toll Bridge across the Colorado River.

[Approved February 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The conditions and provisions of an Act granting Extension of time. to certain persons therein named the right to construct and maintain a toll bridge across the Colorado River, approved April first, eighteen hundred and sixty-four, are hereby extended two years from and after the passage of this Act.

CHAP. LXXIII.—An Act to amend an Act entitled an Act concerning Roads and Highways in the County of Butte, approved May sixteenth, one thousand eight hundred and sixty-one.

[Approved February 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eleven of said Act is hereby amended so as to read as follows:

Section 11. The Board of Supervisors shall annually, in the month of November, appoint one responsible person in each township as Road Tax Collector, who shall be a resident thereof, and shall give bonds in such sum as the Board may require for the faithful performance of his duties. Said Collector shall collect the road tax levied in accordance with section ten of this Act; he shall enter upon the duties of his office on the first Monday of January of each year, and continue in office until the last day of December, unless sooner removed by the Board of Supervisors for good cause shown. Said Board shall have power to remove and fill vacancies at any regular session. The Collector of each township shall, immediately after entering upon the duties of his office, proceed and collect said road tax from each and every person liable to pay such tax living within his township; and failing to perform in a proper manner the duties required by this Act, he shall be deemed guilty of a misdemeanor, and be liable to a prosecution therefor before any Justice of the Peace in said county on complaint of any Supervisor of said county, and shall be subject to the fines and penalties as hereinafter provided for in this Act relating to Road Overseers for non-performance of their respective duties, and the same disposition shall be made of the fines collected.

Sec. 2. This Act shall take effect and be in force immediately after its passage.

Penalty
for neglect
of duty.

CHAP. LXXIV.—*An Act to provide for the erection of a Jail in the County of Tuolumne.*

[Approved February 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of Tuolumne are hereby authorized and required to levy a special tax upon the taxable property of said county, not exceeding one half of one per cent on the valuation of the same, which shall be collected and paid over at the same time and in the same manner as the State and county taxes are provided for by law; and the money collected under this Act shall be set apart and held as a special "Jail Fund," and used only as herein provided.

Advertisement for plans and estimates. SEC. 2. It shall be the duty of the Board of Supervisors in and for said county, soon as practicable, and after the passage of this Act, to advertise for plans, estimates, and specifications for the construction of a County Jail at the City of Sonora, and shall adopt such plans and specifications as to them may seem best for the county; and after adopting such plans and specifications, said Board shall advertise for at least thirty days that sealed proposals will be received by the Clerk of the Board of Supervisors for building a County Jail in accordance with the plan and specifications adopted.

Opening of bids. SEC. 3. At the expiration of thirty days of the advertisements for said proposals, the said Board shall meet and open each and all bids, proposals, or offers made for constructing, building, and completing said County Jail according to the plans and specifications adopted by said Board of Supervisors, and within such time as the Board may designate.

Contract. SEC. 4. Said Board of Supervisors shall award the contract to the lowest responsible bidder, who shall give a good and sufficient bond, in such sum as said Board may require, conditioned for the faithful performance of said contract; *provided*, that the cost of building said Jail shall not exceed the sum of five thousand dollars, and no contract shall be awarded for a greater amount. But this section shall not be so construed as to compel said Board of Supervisors to accept any bid, proposal, or offer which, in the judgment of a majority of said Board, is higher than a just and fair compensation for furnishing material and constructing said County Jail.

Inspection of work. SEC. 5. The work shall be done under the supervision of the Board of Supervisors, and they shall appoint one of their number who shall have the right and whose duty it shall be to inspect the work during its progress, and at the completion of the same the Board shall formally accept the work before the sureties on the contractor's bond are released.

Payments. SEC. 6. All payments for advertisements and services required by this Act and for constructing and finishing said Jail shall be made by warrants drawn on the Jail Fund, and said warrants shall be paid in the order of their presentation to the County Treasurer.

SEC. 7. Warrants for seventy-five per cent of the estimated value of the work done on said Jail may be drawn as the work progresses, in such manner and at such times as the Board may direct, at least twenty-five per cent of the whole amount to be paid being reserved until the completion and acceptance of the work as additional security for the performance of the contract.

SEC. 8. This Act shall cease to be of effect when said Jail shall be completed, accepted, and paid for; and any surplus money then remaining in said special "Jail Fund" shall be transferred to the "Current Expense Fund" of the county.

SEC. 9. This Act shall be in force and effect from and after its passage.

CHAP. LXXV.—An Act to amend an Act entitled an Act to authorize the incorporation of Canal Companies and the construction of Canals, approved May fourteenth, one thousand eight hundred and sixty-two.

[Approved February 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of the above entitled Act is hereby amended so as to read as follows:

Section 5. The provisions of this Act shall not apply to the Counties of Nevada, Placer, Amador, Sierra, Klamath, Del Norte, Trinity, Butte, Plumas, and Calaveras.

CHAP. LXXVI.—An Act authorizing the Board of Supervisors of Lassen County to levy taxes for county purposes.

[Approved February 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors in and for the County of Lassen are hereby empowered to levy and cause to be collected for the year one thousand eight hundred and sixty-six, and each year thereafter, a tax not exceeding eighty cents on each one hundred dollars worth of taxable property in said county, for general county purposes; also, a tax not exceeding sixty cents on each one hundred dollars worth of taxable property in said county, for county building purposes; also, a tax not exceeding forty cents on each one hundred dollars worth of taxable property in said county, for county contingent purposes; and also, a tax not exceeding twenty cents on each one hundred dollars worth of taxable property in said county, for county school purposes; all of which taxes shall be levied, assessed, and

collected as provided by law for the levying, assessing, and collecting of other taxes in said county.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. LXXVII.—An Act to change the name of George Heffren to George H. Lewis; and also to change the name of James Heffren to that of James H. Hamell.

[Approved February 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the name of George Heffren be and the same is hereby changed to that of George H. Lewis; and also that the name of James Heffren be and the same is hereby changed to James H. Hamell; and that by such latter names they each shall enjoy and obtain all legal rights that they might or could have under their former or original names.

CHAP. LXXVIII.—An Act to amend an Act entitled an Act to divide the County of Placer into Supervisor and Revenue Districts, to provide for the election of Supervisors, Assessors, and Tax Collectors therein, and other matters connected therewith, approved April first, eighteen hundred and sixty-four.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said Act is hereby amended so as to read as follows:

Bond and compensation of Tax Collectors.

Section 5. The Tax Collectors named in this Act shall each give a bond in the sum of twenty thousand dollars, or such greater sum as the Board of Supervisors may direct, for the faithful performance of all the duties required of him by law, and they shall receive for their services the compensation provided by law; provided, that at each monthly or other regular settlement with the County Treasurer, each of said Collectors shall pay into the County Treasury, for the use of the county, fifteen per cent of the amount of all fees and percentage to which they may be entitled by law, one-third of which shall be placed in the County School Fund, and the remainder in the General Fund of said county; provided, that if any reduction shall be made by law in the fees of said Collectors, the proportion of said fees required to be paid into the Treasury as aforesaid shall be reduced in like ratio; and it shall be unlawful for the Count-

Auditor to give any Tax Collector his acquittance until he shall have exhibited to said Auditor the Treasurer's receipt for said amount. Any officer who shall fail to comply with this provision shall be liable for such amount on his official bond, shall be guilty of a misdemeanor, and shall forfeit his office.

SEC. 2. This Act shall take effect and be in force from and after its passage.

January 30th, A. D. 1866.—Returned to the Senate without the approval of the Governor.

In SENATE, February 1st, A. D. 1866.—Passed by the requisite constitutional majority over the Governor's veto.

S. P. WRIGHT,
President of the Senate pro tem.

JOHN WHITE, Secretary of the Senate.

In ASSEMBLY, February 2d, A. D. 1866.—Passed by the requisite constitutional majority over the Governor's veto.

JOHN YULE,
Speaker of the Assembly.

M. D. BORUCK, Clerk of the Assembly.

CHAP. LXXIX.—An Act authorizing the Board of Supervisors of Sierra County to levy taxes for county purposes, and for the apportionment of the revenue of the county from licenses and poll taxes.

[Approved February 9, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of Sierra are hereby authorized, if they deem the same expedient or necessary, at their regular meeting in February in each year, to levy taxes for county purposes, not to exceed the rates hereinafter mentioned on each one hundred dollars valuation of property in the county, viz : Eighty cents to be paid into the General Fund, eighty cents to be paid into the Contingent Fund, and twenty cents to be paid into the School Fund; and said taxes when levied by said Board shall be collected at the same time and in the same manner as is now provided by law for the collection of State taxes in said county.

SEC. 2. Of the moneys payable into the County Treasury for county purposes from State and county licenses, poll taxes, and foreign miners' licenses, sixty per cent shall be paid into the General Fund, thirty per cent into the Contingent Fund, and ten per cent into the School Fund of the county.

SEC. 3. The moneys which under this Act are directed to be paid into the Contingent Fund shall be used in the payment of the expenses of the county other than the salaries of county officers; and the Board of Supervisors are hereby expressly forbidden to allow any demand chargeable against said fund, which, added to the amount already drawn, shall exceed the amount of money in the Treasury credited to said fund.

SEC. 4. All laws and parts of laws in conflict with this Act, so far as the same relates to the County of Sierra, are hereby repealed.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. LXXX.—An Act to amend an Act entitled an Act to restrict the herding of sheep, approved May eighteenth, eighteen hundred and sixty-one.

[Approved February 9, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amends
Section 5.

SECTION 1. Section five of said Act is hereby amended to read as follows:

Section 5. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed; and this Act is hereby made applicable to Los Angeles County.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. LXXXI.—An Act changing the time for holding the County Court and Probate Court in the County of Marin.

[Approved February 9, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Terms of
Court.

SECTION 1. The terms of the County Court and the Probate Court in and for the County of Marin shall be held at the county seat of said county, and shall commence on the third Monday of March, June, September, and December of each year, and may continue until the business is disposed of.

SEC. 2. All Acts and parts of Acts contrary to or inconsistent with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force on the first day of March, in the year one thousand eight hundred and sixty-six.

CHAP. LXXXII.—*An act to change the name of Lily Ann Crittenten to Lille Ann Cutter.*

[Approved February 9, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the person now bearing the name of Lily Ann Crittenten to change the said name to Lille ^{Changes name.} Ann Cutter.

Sec. 2. This act shall take effect from and after its passage.

CHAP. LXXXIII.—*An Act to extend the corporate existence of the Weaverville and Shasta Wagon Road Company.*

[Approved February 9, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The corporate existence of the Weaverville and Shasta Wagon Road Company, a corporation created under the laws of this State, June ninth, eighteen hundred and fifty-seven, is hereby extended, with all its powers, rights, privileges, and franchises, and also with all its duties, liabilities, and obligations, to the eighth day of August, eighteen hundred and seventy-seven.

Sec. 2. This Act shall take effect from and after its passage.

CHAP. LXXXIV.—*An Act to change the name of Erwin Webster Stewart, and Sarah E. Stewart, to Webster Smith, and Sarah E. Smith.*

[Approved February 9, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of the person heretofore known as Erwin Webster Stewart, a resident of Amador County, in this State, is hereby changed to that of Webster Smith.

Sec. 2. The name of the person heretofore known as Sarah E. Stewart, a resident of Amador County, in this State, is hereby changed to that of Sarah E. Smith.

CHAP. LXXXV.—An Act to grant E. H. Perry and others the right to construct and maintain a Turnpike Road from a point on the Sonora and Mono Road, near West Walker River, to a point in Antelope Valley, and the right to collect toll for travel thereon.

[Approved February 9, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Right to construct road. SECTION 1. E. H. Perry and J. P. Yaney, together with such associates as they may admit, or their assigns, shall have, possess, and enjoy all the rights, privileges, rights of way, franchises, and immunities hereinafter mentioned, upon condition that they and their associates or assigns shall incorporate themselves under the general laws of the State regulating corporations, and providing for the incorporation of plank and turnpike road companies, and shall adopt the corporate name of the "West Walker Turnpike Company," and shall abide by and fulfil the further conditions hereinafter mentioned.

Right of way. SEC. 2. The said company shall have the right of way and full power to build, construct, and maintain a public turnpike road from a point on the Sonora and Mono Road, in Mono County, near the junction of Middle Walker River with West Walker River, and running through the cañon of West Walker River to a point near the head of Antelope Valley, or to the State line; and shall have the right to collect toll for travel thereon, and shall have all the rights, privileges, and immunities thereunto appertaining, which are hereby ceded and granted unto said company for a term of twenty years from the completion of said road.

Construction and completion. SEC. 3. The said company shall commence the construction of said road within one year from the passage of this Act, and shall have the same fully completed within two years. The grades of said road shall be constructed in a substantial manner, of sufficient width for a single wagon track, with convenient places for turning out in plain view of each other, and the same shall be kept in good condition and repair for public travel, except in case of floods or slides, when due notice shall be given by posting notices at each end of said road, and publishing the same in some newspaper in the county.

Tolls. SEC. 4. The said company, upon the completion of said road, shall have the right to erect such toll gates on said road as they may determine, and shall have the right to demand, receive, and collect tolls on all animals and vehicles passing along said road in such sums of money as they shall see fit, not to exceed such rates as shall be fixed by the Board of Supervisors of Mono County. Said company shall cause said rates of toll to be posted on a bulletin board on each end of said road.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. LXXXVI.—*An Act to provide for the construction of a Turnpike Road in Mono County.*

[Approved February 9, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Samuel French, Leonard Lawrence, and O. J. Lunday, together with such associates as they may admit, and their assigns, shall have, possess, and enjoy all the rights, privileges, franchises, and immunities hereinafter mentioned, on condition that they incorporate themselves under the general laws of this State regulating corporations and providing for the organization of companies for the construction of plank and turnpike roads, and shall adopt the name of the Mono Turnpike Company, and shall fulfil and abide by the further conditions hereinafter mentioned.

SEC. 2. The said company shall have the right of way, and full power to lay out, construct, maintain, and enjoy a public turnpike road, commencing at a point near the Town of Bridgeport, in Mono County, and running, by the Mormon Ranch, over the most practicable route to the east end of Mono Lake, thence by Adobe Meadows to the Town of Partzwick, in Mono County, and shall have the right to demand, receive, and collect tolls for travel thereon, and shall have all the rights, privileges, and immunities thereto appertaining, which are hereby ceded and granted unto said company for a term of twenty years.

SEC. 3. The said company shall construct said road in a substantial manner, with all the necessary bridges and culverts; the roadway shall be of sufficient width for a single wagon track, with convenient turnouts in plain view of each other, and the same shall be kept in good condition and repair for public travel.

SEC. 4. The said company shall commence the construction of said road within one year from the passage of this Act, and shall have the first division, from Bridgeport to Mono Lake, completed within two years, and the second division, from Mono Lake to Partzwick, shall be constructed within three years from the passage of this Act.

SEC. 5. The said company shall have the right to demand, receive, and collect tolls on all animals and vehicles travelling along said road in such sums of money as they shall see fit, not to exceed such rates as shall be fixed by the Board of Supervisors of Mono County; provided, that on the completion of the first division of said road, the said company shall have the right to collect tolls pro rata as the number of miles built is to the whole length of the road.

SEC. 6. This Act shall take effect from and after its passage.

CHAP. LXXXVII.—An Act to provide for the maintenance of Public Roads and Trails in the County of Sierra.

[Approved February 9, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Road districts.** SECTION 1. It shall be the duty of the Board of Supervisors of Sierra County to establish in each township of said county from one to three road districts, and to appoint annually, before the first Monday in March of each year, and at any time thereafter when [a] vacancy shall occur from any cause, a Road Overseer for each road district, whom they may have power to remove at pleasure.
- Notice of appointment.** SEC. 2. Immediately after such appointments are made, the Clerk of the Board of Supervisors shall notify the appointees of their appointment, and shall furnish to each Road Overseer a description of the boundaries of his district.
- Bond.** SEC. 3. The Road Overseers shall, before entering upon the discharge of their duties, take the oath of office and enter into a bond, with two or more sureties, to be approved by the Board of Supervisors, in such sum as they may deem necessary, conditioned for the faithful discharge of their duties as Road Overseers, which bond shall be executed to the people of the State of California.
- Duties of Overseers.** SEC. 4. The Road Overseers shall cause the public highways and trails within their respective districts to be repaired as early as practicable in the season, and to be kept clear from obstructions and in good repair, causing banks to be graded, bridges and causeways to be constructed, when the same may be necessary, to keep the same in repair, to renew the same when destroyed, and to open new roads when ordered by the Board of Supervisors.
- Powers of Overseers.** SEC. 5. The Road Overseers shall have power to make use of any gravel, dirt, timber, and rock, for improving the roads, necessary, from any adjacent unimproved lands; and the Board of Supervisors may allow such damages, if any there be, to the owners or claimants of said lands as they may deem just; provided, that said Board of Supervisors shall be liable, jointly and severally, to pay damages to the county, at the suit of any citizen, if it shall be made to appear that they have allowed extraordinary and extravagant damages to such property owners.
- Blank receipts.** SEC. 6. The Clerk of the Board of Supervisors shall cause proper blank receipts to be printed, of uniform appearance, but annually changing the style thereof, which receipts shall be signed by the Auditor of the county in writing; no other receipts than the above mentioned shall be used by the Road Overseers, or given in payment for labor performed on the roads or trails, or for its equivalent in money, as hereinafter provided.
- Auditor to issue receipts.** SEC. 7. The Auditor, immediately after the Road Overseers shall have entered upon the discharge of their duties, shall issue to each Road Overseer as many receipts, signed, as he may require, taking his receipt for the same, and the receipts so delivered to such Overseer shall be accounted as so much cash

paid him, at three dollars each. The Road Overseers shall settle ^{Settlement of Overseers.} yearly with the Auditor, to wit: on the first Monday in February each year; and all road receipts returned by them to the Auditor shall be deducted from the amount issued to each Overseer as aforesaid; and the Overseer shall account to the Board of Supervisors, at their annual settlement, for all receipts not returned by them, and for all moneys received by them from the Board of Supervisors belonging to their respective road districts.

SEC. 8. Every male resident of Sierra County over twenty-one and under fifty-five years of age shall be required to perform annually, either in person or by substitute, two days labor ^{Persons required to perform labor.} on the highways or trails of their respective road districts, which labor shall be performed at any time during the year when required by the Road Overseer, or in default of performing said labor, shall pay to the Road Overseer of his district the sum of three dollars, in United States gold or silver coin, for the benefit of the public highways and trails of his district. Whenever the labor required by this section has been performed by any person, or instead thereof money paid, the Road Overseer shall deliver to the person entitled thereto a proper receipt, signed by the Auditor and countersigned by himself, specifying in said receipt whether money or labor; and no receipts shall be given for labor performed upon the roads, unless such labor has been performed to the satisfaction of the Road Overseer.

SEC. 9. Road Overseers shall give at least three days notice ^{Overseers to give notice.} in writing to each person, residents of his district, subject to road tax, to appear on a certain day and hour named, and at a certain place in his district, with the necessary tools, to do and perform the labor required of him by section eight of this Act; and any person thus notified who shall fail to appear, either in person or by substitute, at the day, hour, and place designated in said notice, or who, appearing, shall refuse to perform the labor required of him, shall be considered as a delinquent, and ^{Delinquents} shall be proceeded against as such, and the Road Overseer shall proceed to collect of him in money the sum of three dollars, in manner and form as hereinafter provided; *provided*, that nothing herein contained shall be so construed as to prevent the Road Overseer from accepting labor at any time from the delinquent if he shall deem the same advisable. Any person who shall ^{Sickness.} have been prevented by sickness from appearing pursuant to notice, and who shall present to the Road Overseer of his district a certificate from a practising physician, or three respectable citizens of his district, certifying to his disability to perform the required labor, shall not be liable as a delinquent under the provisions of this Act.

SEC. 10. Whenever any person shall be declared a delinquent ^{Sale of delinquent's property.} as provided in section nine of this Act, it shall be the duty of the Road Overseer to levy upon any property of said delinquent which may be found, and to sell the same at auction to the highest bidder for cash, or so much thereof as may be necessary to pay the amount of his delinquency and the cost of levy and sale; *provided*, no sale shall be valid unless due notice thereof has been posted in three of the most public places in the district of the time and place of such sale, together with the description

of property to be sold, at least three days previous thereto; *provided*, that such sale, if of personal property, shall be absolute, otherwise subject to redemption as in sales under execution at law. The Road Overseer shall be entitled to charge three dollars for his services in levying upon and advertising property, and for selling the same, and the same shall not in any manner become a county charge.

Proceedings against delinquents. SEC. 11. Moneys, credits, and effects of the delinquent, may be attached in the hands of third parties by the Road Overseer, by delivering to the party having such credits, money, or effects of the delinquent, a written order of garnishment, requiring said parties to pay to him the sum of money due by the delinquent, and if the person thus served with notice shall pay the amount demanded, the Road Overseers shall deliver to him a receipt therefor, including the costs and charges allowed to the Overseers, viz: three dollars; and the receipt thus delivered shall be a legal offset to any claim existing against the party garnisheed in favor of the delinquent. If the person on whom the garnishment is served should neglect or refuse to pay to the Road Overseer the sum demanded of him within three days after receiving said notice, the Road Overseer shall apply to any Justice of the Peace of his township for an order requiring said person so served as aforesaid to be and appear before him forthwith, or on a certain day named in said order, to answer under oath concerning any moneys, credits, or effects in his hands, belonging to the delinquent. The Justice of the Peace shall enter in his docket a judgment against the party thus examined for the sum of six dollars and costs, three dollars of which shall be paid to the Road Overseer and applied by him upon the construction and repairs of the highways and trails in his district, and three dollars to the Road Overseer for his services. Upon receiving the said sum of six dollars, the Overseer shall execute a receipt for the sum of three dollars, signed by the Auditor, and a receipt for the remainder, signed by himself. The judgment rendered against the person served with garnishment shall be collected in the same manner as other judgments in Justices' Courts, and shall be a legal offset against the delinquent in favor of the judgment debtor.

Contracts by Overseers. SEC. 12. The Road Overseers shall have power to let contracts for the construction, repairs, and improvements of public roads or bridges in their respective districts when the amount of such contracts shall not exceed one hundred dollars; *provided*, that all the contracts shall be let to the lowest responsible bidder; and, *provided*, that the Road Overseer shall in no event be interested in said contract as contractor; and, *provided*, that no contract shall be let unless due notices of the time and place of letting has been given by posting notices in at least three of the most public places in the district at least one week prior to letting, specifying the work to be done, and asking for sealed proposals. All contracts for the construction, repairs, and improvements of roads, involving an expenditure exceeding the sum of one hundred dollars, shall be let by the Board of Supervisors to the lowest responsible bidder; notice of such letting to be advertised in a newspaper published in the county, at least two weeks prior to the letting, asking for sealed proposals; but the

Contracts by Supervisors.

Road Overseer may contract for repairs of roads or bridges to any sum not exceeding the sum of thirty dollars without advertising for sealed proposals.

Sec. 13. All improvements upon the public highways and trails shall be made under the supervision and direction of the Road Overseer of the district in which the improvement is to be made, and no contractor shall receive pay in full for work performed under his contract until the Road Overseer has accepted the job from the contractor by certificate in writing; *provided*, that all contracts let by the Board of Supervisors must be done to their satisfaction before being accepted by them.

Sec. 14. The Board of Supervisors shall have power to levy *Property tax* a property tax, which shall not exceed ten cents on each one hundred dollars of real and personal property in the county, for road purposes, to be levied and collected at the same time and in the same manner as other property tax thus levied and collected; and the property tax thus levied and collected shall be paid into the County Treasury for the benefit of the public roads lying in the townships from which the same was collected; and the sum thus collected shall be divided among the several road districts of the township, and expended in the improvement of the roads in said district by the Road Overseers, under the direction of the Board of Supervisors.

Sec. 15. Each Road Overseer shall keep a correct account of *Accounts and reports of Overseer.* all moneys collected by him in his district for road purposes, together with the names of persons who paid in cash, the amount paid by each, the names of those who performed labor, the number of days work performed by each, and the names of all delinquents. At each yearly meeting of the Board of Supervisors in February, each Road Overseer shall render his yearly account to said Board, verified before some officer having power to administer oaths, in which he shall exhibit the whole amount collected during the preceding year, the date when and from whom received, the amount expended by him, to whom and for what purpose paid, the number of days he has been actually employed upon the roads in his district, with the names of the persons employed, distinguishing between those working under pay and those performing labor as required by section eight of this Act, the whole number of receipts delivered, distinguishing between those given for labor and those given for money, and the names of all delinquents; he shall also furnish a schedule of all property belonging to his road district. Upon receiving such reports, the Board of Supervisors shall make a final settlement with the Road Overseers, and shall allow them each for their services for each day actually and necessarily employed by them upon the roads in their respective districts, the sum of *Pay.* four dollars (\$4) per day, and the additional sum of twenty-five cents on each road tax collected in cash; *provided*, that the time occupied in collecting said road tax shall not in any manner be construed as time spent in actual and necessary work on the roads.

Sec. 16. If any person shall wilfully obstruct any public highway, trail, or street, or lane, by felling any tree across the same, or by placing any other obstruction therein, or by excavating or digging therein, or shall destroy any ford or crossing *Obstructions and penalties therefor.*

of any creek, gulch, river, or stream of any character, by digging away the banks, or by damming, deepening, or widening the same, or by filling up any roads or trails which is used by the public, before the parties doing so first proposed some other ford or crossing equally as good and convenient, or by moving or making a new trail in as good a location as the one previously used, he or they shall be liable to a prosecution before any Justice of the Peace of the township, by any Road Overseer or citizen of the road district in which the offence is committed; and upon conviction shall pay a fine of not less than twenty or more than fifty dollars, and shall forfeit five dollars for every day he or they shall suffer such obstruction to remain after he or they have been ordered to remove the same by the Road Overseer, or Justice of the Peace before whom he or they shall have been prosecuted; *provided*, that if any person or persons shall wish to dig or construct any ditch across any public highway, street, or lane, for the purpose of conveying water for mining, mechanical, agricultural, or any other necessary or useful purpose, they shall be permitted to dig or construct such ditch, in which case the owner or owners of such ditch shall construct or cause to be constructed and keep in repair at their own expense, good and substantial bridges or crossings over such ditch. If the owner or owners of any such ditch or ditches shall fail or neglect to construct such bridges or crossings, and keep the same in repair, he or they shall be liable to prosecution and fine as hereinbefore provided in this section.

Penalty for injuries or destruction. SEC. 17. If any person shall wilfully destroy or injure any bridge, plank road, or causeway, or remove or cause to be removed any of the plank or timber therefrom from any road or trail used and declared a public highway, he or they shall be liable to be prosecuted before any Justice of the Peace of the township, by the Road Overseer or any citizen of the district in which the offence is committed, and on conviction shall be fined in any sum not less than five nor more than fifty dollars.

Actions. SEC. 18. All actions commenced under the provisions of this Act shall be in the name of the people of the State of California; and no officer or resident otherwise competent shall be deemed incompetent to act as such officer or as a juror or witness in such case because of any interest he may have in the event of such suit by reason of his being a resident of such township merely.

Fines. SEC. 19. All fines collected under the provisions of this Act shall be paid into the County Treasury for the benefit of the road district in which the same was collected.

Penalty for not removing obstructions. SEC. 20. Any Road Overseer who shall fail to remove or cause to be removed any obstructions in the roads of their respective districts within a reasonable time after being notified that such obstructions exist, shall be liable, upon conviction before any Justice of the Peace, at the suit of any citizen, to be fined in any sum not exceeding fifty dollars and costs, and shall forfeit and pay the sum of five dollars for each and every day thereafter in which he shall suffer said obstruction to remain, to be recovered in like manner at the suit of any citizen; he shall also be liable on his bond for all damages resulting from such obstructions.

SEC. 21. All Acts and parts of Acts which conflict with the provisions of this Act, so far as they relate to the County of Sierra, are hereby repealed.

SEC. 22. This Act shall take effect and be in force from and after its passage.

CHAP. LXXXVIII.—*An Act to fix the Salary of the County Judge of Tuolumne County.*

[Approved February 9, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The salary of the County Judge of Tuolumne County, from and after the first day of January, one thousand eight hundred and sixty-eight, shall be two thousand dollars per annum.

SEC. 2. It shall be the duty of the Supervisors of the County of Tuolumne annually to levy and collect, in the same manner that the State and county taxes are levied and collected, a sum sufficient to pay the salary of the County Judge of said county.

SEC. 3. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed.

CHAP. LXXXIX.—*An Act relating to the Seal of the Supreme Court.*

[Approved February 9, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Judges of the Supreme Court are hereby authorized to procure a seal for said Court, to be used in the place and stead of the seal heretofore and now in use by said Court, such seal to have such device as may be selected by said Judges.

SEC. 2. The seal so devised and made shall, by order of Court, be described in its records, and shall thenceforth be the seal of the Supreme Court of this State.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. XC.—An Act to amend an Act entitled an Act concerning the office of County Clerk of the City and County of San Francisco, passed May the fifteenth, eighteen hundred and sixty-two.

[Approved February 9, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is amended to read as follows :

County Clerk may employ copyists. Section 1. The County Clerk of the City and County of San Francisco is hereby authorized to employ from time to time as many copyists as he, the said County Clerk, may deem necessary to perform promptly the duties of his office, who shall be paid at a rate not exceeding six cents per folio of one hundred words for each and every folio of all matter either recorded or copied by him; *provided*, that the amount so expended in any one month shall not exceed the sum of three hundred dollars.

Pay. SEC. 2. This Act shall take effect from and after its passage.

CHAP. XCI.—An Act to regulate Fees in the City and County of San Francisco.

[Approved February 9, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fees of officers. **SECTION 1.** In the City and County of San Francisco such fees are allowed to the officers herein named for their services rendered in discharging the duties imposed on them by law as herein provided, and such officers may lawfully demand and receive the same in gold and silver coin of the United States and no more.

Clerk of District Court. SEC. 2. The Clerk of the Fourth, Twelfth, and Fifteenth Judicial Districts shall collect :

For services performed by him before trial, including indexing, and judgment by default, and the entering up of the same in any action or proceeding, six dollars and fifty cents.

For the trial, swearing the jury and witnesses, and for all proceedings subsequent to the trial, including the entry of judgment, to be paid by the party moving the same, four dollars.

Said Clerk shall also collect as follows :

For filing and entering papers on transfer of cases from other Courts, including indexing, three dollars and fifty cents.

For transmission of files, or transfer of cases to other Courts, two dollars and fifty cents.

For administering and certifying oaths, except oaths administered at the trial to jury and witnesses, fifty cents.

For certifying transcripts on appeal, and exemplifications of record, besides the charges allowed in this Act for copying, one dollar.

For taking and certifying depositions, twenty cents a folio.

For certifying under seal to the official character and signature of officers, one dollar.

For taking acknowledgments, one dollar.

For taking justification of sureties, fifty cents; and for taking testimony thereon, twenty cents a folio.

For attending in his official capacity as witness in a civil suit, two dollars.

For searching files of each year in his office, except for suitors or their attorneys, one dollar.

SEC. 3. The Clerk of the County Court shall collect :

For all services performed by him in cases appealed from Justices' Courts, before trial, two dollars.

For the trial and subsequent proceedings, including final judgment, to be paid by the party moving the same, three dollars.

For filing transcripts of judgments of Justices' Courts, for docketing the same, and issuing execution thereon, three dollars.

For recording certificates of incorporation, where recording is required by law, twenty cents a folio.

For recording the testimony and commitment upon examination of insane persons, where it is ascertained by the County or Probate Judge that the person committed has sufficient property wherewith to pay the expenses of his commitment, twenty cents a folio.

For filing official bonds, twenty-five cents; for recording the same, where recording is required by law, twenty cents a folio.

For issuing the writ of habeas corpus, three dollars.

For issuing marriage licenses, two dollars.

The fees prescribed in the foregoing section, as far as they are applicable to the County Court, shall be collected by the Clerk thereof. In all cases over which original jurisdiction has been given to the County Court, as actions for forcible entry and detainer, petitions in insolvency, petitions to dissolve corporations, etc., the same fees shall be collected by the Clerk of the County Court as are herein allowed in the District Courts of said city and county for similar services.

SEC. 4. The Clerk of the Probate Court shall collect :

For filing the papers, and issuing letters testamentary or of administration, guardianship, or special administration, in any case, two dollars.

For all other services up to and including a final settlement of the case, except as hereinafter provided, eight dollars.

For administering and certifying oaths, except oaths administered in open Court, fifty cents.

In any estate in the administration of which the orders and papers to be recorded exceed thirty folios, the Clerk shall collect twenty cents for every subsequent folio to be recorded in said estate.

There shall be no Probate Judges' fees in said city and county.

SEC. 5. The Justices of the Peace, severally, shall be allowed, in any action before them, for all services of every kind whatsoever required to be performed by them before the trial in such

Justices of the Peace. action, two dollars; and for the trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses, and jury, and the entry of all judgments therein, three dollars; and under no pretext whatever shall said Justices, in any one action, be authorized or legally entitled to ask, demand, or receive any other or further fee or charge, except for copies of papers on appeal, as hereinafter provided.

Percentage allowed prevailing party. SEC. 6. The prevailing party shall be allowed five per cent on the amount recovered, together with any sum by him so paid in a cause as costs and disbursements, to be included in the judgment against the adverse party; *provided*, said five per cent shall be allowed only in litigated cases; and, *provided*, further, that said percentage shall not be allowed to exceed the sum of one hundred dollars on any one judgment.

No other fees. SEC. 7. The Justices of the Peace and the Clerks of the several Courts above named shall receive no other fees for any services whatever performed by them in any action or proceeding, except for copies of papers required on appeal, or furnished at the request of any person, for which they shall be allowed at the rate of ten cents for each one hundred words; and in case of any violation of the provisions of this Act, the party receiving any fees not herein allowed shall be liable to refund the

Exception. same to the party aggrieved, with treble the amount as damages, beside costs of suit, and shall further be liable to impeachment, or removal from office, or both.

Penalty. SEC. 8. The Judges of District, County, and Probate Courts, in and for the City and County of San Francisco, may, upon proper showing of the disability of parties to pay the legal fees, remit the same, or any part thereof.

Repeal. SEC. 9. All Acts or parts of Acts relating to the collection of fees by the County Clerk of San Francisco County in his several official capacities, and by the Justices of the Peace of said county, are hereby repealed as far as they relate to said city and county.

Disposition of fees. SEC. 10. All fees collected by the County Clerk of San Francisco County in his several official capacities shall be paid into the Treasury of said city and county.

SEC. 11. This Act shall be in force from and after its passage.

CHAP. XCII.—*An Act to authorize the Board of Supervisors of the County of Amador to levy an additional tax for county expenditures in said county.*

[Approved February 9, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Levy of tax. SECTION 1. The Board of Supervisors of Amador County are hereby authorized and empowered to levy for the years one thousand eight hundred and sixty-six and one thousand eight hundred and sixty-seven, forty cents on the one hundred dollars taxable property of said county, in addition to the tax now

authorized by law, to be levied and collected in said county for county expenditures; and the income derived from the levy under the provisions of this Act shall be paid into the General Fund of said county, and expended in the same manner as other moneys in said fund.

SEC. 2. The tax authorized to be levied in section one of this Collection. Act shall be collected at the same time and in the same manner as other taxes for county purposes are authorized by law to be collected.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. XCIII.—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven.

[Approved February 9, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of Article Three of said Act is hereby amended so as to read as follows:

Section 7. The Common Council shall have power within the city: ^{Common Council.}

First—To make by-laws and ordinances not repugnant to the Constitution and laws of this State. ^{By-laws.}

Second—To levy and collect taxes and assessments for city ^{Levy taxes.} purposes on all property, real and personal, within the city, made taxable by law for State and county purposes, which taxes shall not exceed one and one-half per cent per annum on the assessed value of such property; *provided*, that all real estate ^{Exemptions} within the city limits used expressly for farming purposes, and known as suburban lots, shall be exempt from paying city taxes.

Third—To levy and collect, in addition to the general tax, ^{a School tax.} tax of twenty-five cents for every hundred dollars worth of property, real and personal, within the city, made taxable by this Act, for school purposes.

Fourth—To levy and collect a special tax, not exceeding fifty ^{Interest tax.} cents on the one hundred dollars, on all property, real and personal, within the city, made taxable by this Act, for the payment of all interest moneys on any and all sums of money borrowed by virtue and authority of and in accordance with the provisions of this Act.

Fifth—To lay out, extend, and alter streets and alleys; to provide for the filling up, widening, grading, draining, cleaning, repairing, lighting, and otherwise improving the same, and for the construction, repair, regulation, and preservation of sidewalks, bridges, drains, gutters, and sewers, and to prevent or remove obstructions thereto, or to any part thereof, and to provide for the numbering of houses. ^{Care of streets.}

Sixth—To levy and collect special assessments of taxes for ^{Levy of special taxes.} altering, widening, filling up, grading, graveling, or otherwise

improving any street, alley, or public ground of the city, and for the construction or repair of any sidewalk, drain, gutter, or sewer, within the city, amounting to the whole cost of such improvement, upon the real property situate upon either side of the street, alley, or public ground to be improved, according to the benefit to accrue thereby to such property, to be computed by three disinterested persons, chosen by the Common Council for that purpose, and who, before entering upon their duties, shall be sworn to make such computation faithfully and impartially, and shall make their report in writing, and the concurrent report of any two of them may be received as final in the premises; *provided*, that a two thirds vote of all the members of the Common Council shall be necessary to levy any such assessment, unless the same shall be levied upon the petition of the owners of at least one half in extent of frontage of the real property on any street, or alley, or portion thereof, asking that such improvement be made; and, *provided*, further, that no such assessment shall be made until notice of intention to make such improvements, and to levy a special assessment therefor, shall have been given by publication in some newspaper published in the city for at least two weeks.

Sidewalks. *Seventh*—To provide for the owners of lots on both sides of any street, alley, or public ground in the city, keeping in good repair and condition, at their own charge and expense, the street or alley and the sidewalks now constructed or hereafter to be constructed, in such manner as the Common Council shall direct, and to provide for enforcing such repairs.

River banks. *Eighth*—To grade the banks of the Yuba and Feather Rivers, so as to facilitate the discharge of merchandise from steamers, vessels, and boats.

Water craft. *Ninth*—To regulate the landing and stationing of steamers, vessels, and boats, and to fix and collect a revenue tax for landing and mooring the same within the city limits, whether on private or public property.

Prevention of fires. *Tenth*—To provide for the prevention and extinguishment of fires, and to organize and establish fire companies, and to fix and enlarge from time to time the fire limits of the city.

Storage of combustibles. *Eleventh*—To regulate the landing and storage of gunpowder, pitch, rosin, tar, and other combustible materials, and to impose and fix fines and penalties for the violation of all such regulations.

Police. *Twelfth*—To establish and regulate a City Police, and fix the rates of pay thereof; *provided*, that the pay or salary of each policeman shall not exceed one hundred dollars per month.

Riots, etc. *Thirteenth*—To provide for the prevention and restraint of any riot, or disorderly assemblage or conduct in any street or place in the city.

Removal of filth. *Fourteenth*—To provide for the prevention and removal of nuisances, filth, or other impurities, and for the cleansing of all sink and cesspools, and for the general health of the city.

Chaingang. *Fifteenth*—To provide for the formation of a chaingang for persons convicted of crimes or misdemeanors within the city, or of the violation of any of the ordinances of the city, or of vagrancy, and for their proper government and employment for the benefit of the city.

Sixteenth—To impose and appropriate, for the benefit of the ~~finances~~, city, fines, forfeitures, and penalties, for the breach of any city ordinance, and to provide punishment for breaches of ordinance; *provided*, that no fine shall be imposed of a greater amount than five hundred dollars, and no offender shall be imprisoned, or sentenced to labor in the chaingang, for a longer term than three months.

Seventeenth—To provide for the regulation of or removal from ~~Nuisances~~ the vicinity of the inhabited parts of the city, of all slaughter houses, hog pens, hay stacks, brick kilns and yards, forges, butchers' stalls, and fish and meat markets.

Eighteenth—To provide for the licensing and regulation of ~~Licenses~~ auctioneers, taverns, hotels, bar-rooms, shooting galleries, billiard tables, bowling alleys, theatrical and other exhibitions and amusements; *provided*, that no licenses exceeding twenty dollars per month shall be assessed by the Common Council for any hotel, tavern, public house, or bowling alley.

Nineteenth—To provide for licensing, taxing, regulating, or prohibiting and suppressing tipping houses, dram shops, gaming and gambling houses, hawkers and pedlers, pawnbrokers, and street and stand vendors, and for the suppression of disorderly houses, and houses of ill-fame, and dance houses, and houses of assignation.

Twentieth—To provide for the erection and keeping in good ^{Repairs of buildings.} condition and repair all necessary public buildings for the use of the city, and for all parks and squares that the Common Council may deem necessary or proper for the use and convenience of the city.

Twenty-First—To establish a City Hospital, and to provide for ^{Hospital and small pox.} the support of the indigent sick; also to provide for the removal outside of the city limits of all persons affected with small pox or other infectious or contagious disease.

Twenty-Second—To construct a bridge across the Yuba River, ^{Bridge.} at the southern extremity of the public plaza, or at such other point along or above the same, as the Common Council may select, or to authorize the construction upon such terms as to a division of the proceeds from its tolls as may be just, and to regulate the rate of tolls.

Twenty-Third—To borrow money upon the faith and credit of ^{Loans.} the city; but no loan shall be made for a sum exceeding five thousand dollars, including the amount of any previous indebtedness, without the consent to such loan of the electors of the city previously obtained.

Twenty-Fourth—If the Common Council desire to take stock in ^{Taking stock} any public improvement of a municipal character, or effect a loan for any purpose for a sum exceeding five thousand dollars, they shall submit a proposition for taking such stock or effecting such loan, stating the amount of loan or stock, to the electors of the city, at a special election to be held for that purpose. Upon the Common Council giving twenty days notice of the same, by publication in some newspaper published in the city, and if two thirds of the electors vote in favor of such proposition or propositions, the Common Council shall have power to effect such loan, or take such stock, but not otherwise, and to pledge the faith of the city for the payment of such loan on such stock.

- Appropriations.** *Twenty-Fifth*—To appropriate money for city expenditures, and to provide for the payment of any debts and expenses of the city.
- Vehicle license.** *Twenty-Sixth*—To license hackney coaches, cabs, omnibusses, express wagons, drays, and other vehicles used for hire, and to regulate their stands and rates of fare; and to license or suppress runners for steamboats, taverns, or hotels.
- Wooden buildings.** *Twenty-Seventh*—To license ferries and bridges under the law regulating the granting of such licenses.
- Twenty-Eighth*—To prevent the erection of wooden buildings within the fire limits of the city established or to be established by the Common Council, and to regulate the construction of buildings and additions to any building already constructed, sheds, awnings, and signs.
- Animals at large.** *Twenty-Ninth*—To prevent any or all domestic animals from running at large within the city limits, or any part thereof, and to provide for the establishment of a city pound for the impounding of all animals prohibited from running at large in the city, and to provide for the sale of such animals for payment of fines and charges thereon.
- Cemetery.** *Thirtieth*—To control, enlarge, and improve the cemetery belonging to the city, and to sell lots therein, and to control and regulate interments, or to prohibit them within the city limits.
- Chaingang.** *Thirty-First*—To provide for the arrest and compulsory working in the chaingang of all persons convicted of vagrancy within the city, and to provide for the care, feeding, and clothing of the city prisoners.
- Counsel.** *Thirty-Second*—To employ an attorney or attorneys at law, if their services be required.
- Punishment of members.** *Thirty-Third*—To compel the attendance of absent members, to punish its members for disorderly conduct, and with the concurrence of two thirds of the members elected to expel any member or members.
- SEC. 2. Section one of Article Five of said Act is hereby amended so as to read as follows:
- Section 1. The fiscal year of the city shall commence on the first day of April of each year.
- SEC. 3. Section two of Article Five of said Act is hereby amended so as to read as follows:
- Section 2. Every general tax or assessment levied under the provisions or authority of this Act for municipal purposes is hereby made a lien upon the property assessed, which lien shall attach and take effect on the first day of May of each year; and every special tax or assessment levied under the provisions of this Act is hereby made a lien upon the property on which the same shall be levied and assessed, which lien shall attach and take effect at the time such levy or assessment is made; and all such liens, whether for general or special taxes or assessments, shall hold and continue to the absolute exclusion of other liens until the taxes or special assessments shall have been paid, or the title to the property shall have absolutely vested in a purchaser under a sale for such tax or assessment.
- Municipal tax.** SEC. 4. The City Marshal shall be Tax Collector for the city; and he is hereby invested with the same power and authority for the collection of all taxes and assessments within the city
- Lien.**
- TaxCollector**

as are now or hereafter may be given by law to County Tax Collectors for the collection of State and county taxes.

SEC. 5. On the third Monday of October in each year the City Marshal shall, at the close of his official business on that day, enter upon the assessment roll a statement that he has made a levy upon all the property therein assessed the taxes upon which have not been paid, and shall immediately ascertain the total amount of taxes then delinquent, and file in the office of the City Clerk a statement of said amount, verified by the oath of himself or his deputy, and shall proceed to make and file in the office of the City Clerk a list of all persons and property then owing any taxes, verified by the oath of himself or his deputy, which list shall be completed by the first Monday in November, and shall be known as the delinquent tax list.

SEC. 6. At any time after the third Monday of October, and before the delivery of the delinquent tax list to an attorney for collection, as hereinafter provided, any delinquent taxpayer may, upon a certificate from the City Clerk giving a description of the property assessed and the taxes due thereon, pay to the City Treasurer the taxes assessed against him or her, with five per cent additional thereon, taking from the Treasurer duplicate receipts for the amount paid, one of which shall be filed with the City Clerk and the other with the attorney appointed to collect the delinquent taxes.

SEC. 7. The City Clerk shall, upon receiving such delinquent tax list, give public notice thereof, and that within fifteen days he will deliver the same to an attorney, to be designated by the Common Council, for collection; and shall, within fifteen days after receiving such list, deliver it to the attorney at law that shall be designated by the Common Council, who shall proceed to collect, sue for, and recover the said delinquent taxes in the same manner as is now or may hereafter be provided by law for the collection of delinquent State and county taxes; and the said attorney is hereby invested with the same powers and authority as is given or shall hereafter be given by law to District Attorneys, and shall be entitled to charge and include in any judgment the same costs and fees as are allowed by law to District Attorneys for like services; *provided*, that the City Marshal, or any of his deputies in his name, shall act in all cases under this Act when the Sheriff or Constable are authorized to act in case of suits for county and State taxes; and for such purpose the City Marshal and his deputies are hereby authorized and empowered to serve all process and papers, and to execute all writs, orders, judgments, and decrees in such suits for city taxes, in the same manner as Sheriff and Constables may do in like cases for State and county taxes, and are authorized to receive and charge the like fees therefor as the Sheriff and Constables of Yuba County in like cases for State and county taxes.

SEC. 8. The assessment of taxes upon all property, both real and personal, in the City of Marysville, heretofore made for any fiscal year, are hereby legalized and confirmed and rendered valid and binding both in law and equity against the persons

Delinquents. assessed; and it shall be the duty of the City Clerk to make out a certified list of the delinquent taxes for each year that have heretofore been assessed and are unpaid, which list shall be a true copy of the assessment rolls in respect to such delinquent taxes. When such lists shall have been completed the Clerk shall give the like public notices as provided in section seven of this Act, that he will within fifteen days after the date of such notice deliver such lists to the attorney to be designated in said section seven of this Act; that any delinquent taxes upon any of such lists may be paid in the same manner as provided in section six of this Act before such lists shall have been handed to such attorney. That after the expiration of such public notice of fifteen days, the said Clerk shall deliver such lists to such attorney so designated, who shall proceed to collect, sue for, and recover the delinquent taxes contained in such lists in the same manner as provided in said section seven of this Act for the recovery of the taxes therein referred to and named; and for such purpose such attorney shall be invested with the same powers and authority and entitled to charge and include in any judgment the same costs and fees in respect to such delinquent taxes as are provided for in said section seven of this Act in respect to the taxes therein named and referred to; and the City Marshal and his deputies shall act in such cases and have the same power and authority and receive the like fees in such cases under this section as is provided in section seven of this Act for like services provided to be rendered under that section.

Street assessments. SEC. 9. Whenever any special assessment shall be levied for filling up, grading, gravelling, altering, widening, or otherwise improving any street or alley or any portion thereof, or for the construction or repair of any sidewalk, drain, gutter, or sewer, the City Clerk shall within one week thereafter make out a list of the persons and property so assessed, stating the amount assessed upon each separate parcel of land liable for the improvements made or to be made according to the computation required by subdivision sixth of section seven of this Act, and shall deliver such list, with his certificate thereto attached, to the City Marshal for collection. The City Marshal shall immediately upon receiving such list cause the same to be published in some newspaper published in the city, to be designated by the Common Council, for one week; and shall immediately after such publication shall have been completed proceed to collect such assessments for twenty days. After the expiration of the twenty days he shall make out a list of all delinquents, which shall be verified by his own oath or that of his deputy, and shall hand the same to some attorney, to be designated by the Common Council, who shall proceed to sue for, collect, and recover the same as is in this Act provided for the collection and recovery of other delinquent city taxes; and the said attorney shall have the same power and authority, and be allowed to charge and include in any judgment recovered the same fees and costs as are provided by law for District Attorneys in the collection of delinquent State and county taxes.

SEC. 10. Section three of Article Five of said Act is hereby repealed.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAP. XCIV.—*An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.*

[Approved February 9, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-seven of said Act is hereby amended so as to read as follows:

Section 37. The County Courts shall hold their terms at the county seats of their respective counties at such times as may be provided by law, for the transaction of the general business of such Courts; *provided*, that for the purpose of hearing and determining actions arising under the forcible entry and detainer Act of this State, said County Courts shall be always open and in session; and the orders and judgments by said Courts made in said causes shall have the same force and validity as though rendered at the regular terms of said Courts. All the proceedings of the County Courts shall be construed in the same manner and with like intemds as the proceedings of Courts of general jurisdiction, and the records, orders, judgments, and decrees of said Courts shall have accorded to them like force and effect and legal presumptions as the records, orders, judgments, and decrees of the District Courts.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. XCV.—*An Act to authorize the County of Yuba to donate sixty-five thousand dollars to the Yuba Railroad Company, and provide for the payment of the same, and other matters relating thereto.*

[Approved February 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A special election shall be held in the County of Yuba, at the several places of holding elections therein, on the first day of March next, for the purpose of submitting to the qualified electors of said county the proposition for the County of Yuba, through its Board of Supervisors, to donate the sum of sixty-five thousand dollars to the Yuba Railroad Company, for the speedy completion of the same from the Town of Lincoln, in Placer County, to the City of Marysville, in Yuba County.

- Notice.** SEC. 2. It shall be the duty of the said Board of Supervisors to cause notices of at least ten days to be published in one or more daily newspapers published in said county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon. Ballots shall be prepared, with the words "Donation of sixty-five thousand dollars to the Yuba Railroad Company." Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon; and every ballot against said proposition shall have the word "No" printed or written thereon. Said election shall be conducted in the same manner as elections for county officers, and sealed returns in due form of law made on the vote cast on said proposition within ten days after said election, and in the same manner provided for in the case of the election of county officers, to the Clerk of said county, of the number of votes voting "Yes," and the number of votes voting "No," which returns shall be, on the tenth day after said election, opened and counted in the same manner as the returns of votes for county officers, and the result thereof shall be declared officially by the said Board of Supervisors.
- Returns.**
- Vote.** SEC. 3. If at the said election a greater number of the electors of said county voting upon said proposition shall vote "Yes," than shall vote "No," then and in that event is the Board of Supervisors of said County of Yuba, in the name of said county, authorized, empowered, and directed, immediately after the result of said election is so officially declared, to make and execute sixty-five thousand dollars of bonds, (being sixty-five bonds in the sum of one thousand dollars each,) said bonds to bear interest at the rate of eight per cent per annum from the first day of April, A. D. eighteen hundred and sixty-six; and the principal thereof shall be made payable on a specified day to be named in said bonds, which shall be twenty years after the date of their issue, at the office of the Treasurer of the County of Yuba, both principal and interest payable in the gold coin of the United States, dollar for dollar. The interest accruing on said bonds shall be due and payable semi-annually, on the first days of January and July of each year, so long as said bonds are outstanding unpaid, and shall be made payable at the Treasurer's office in said County of Yuba, on the specified days named in said coupons attached to said bonds.
- Bonds.**
- Gold coin. Interest.**
- Conditions.** SEC. 4. Said bonds shall be prepared and signed by the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, and when so prepared and signed shall be forthwith presented to the Clerk of the County of Yuba, who shall countersign the same as such Clerk, and cause the seal of the County of Yuba to be affixed or impressed upon each of said bonds so countersigned by him, and deliver the same to the President of the Yuba Railroad Company, in the following manner and on the following terms and conditions, to wit: fifteen thousand dollars of said bonds to be delivered upon the completion of said railroad five miles from Lincoln; fifteen thousand dollars of said bonds to be delivered upon the completion of said railroad ten miles from Lincoln; fifteen thousand dollars of said bonds to be delivered upon the completion of said railroad fifteen miles from Lincoln; fifteen thousand dollars of said bonds

to be delivered upon the completion of said railroad twenty miles from Lincoln; and five thousand dollars of said bonds to be delivered upon the completion of said railroad to the bank of the Yuba River opposite to the City of Marysville; making in the aggregate the sum of sixty-five thousand dollars in the bonds of the said County of Yuba as herein provided, taking his receipt for the same when so delivered, and report the same to the Board of Supervisors, who shall cause the same to be entered in the official minutes of their proceedings.

SEC. 5. Coupons for the semi-annual interest shall be attached to each bond so that the coupons may be removed without mutilation to the bond, and said coupons shall be signed by the Treasurer of the County of Yuba. When any interest shall be paid upon a bond under the provisions of this Act, the County Treasurer shall receive the detached coupon for the interest then due and paid, and shall cancel and file the same in his office, and report the same to the Board of Supervisors of said county semi-annually.

SEC. 6. The said Board of Supervisors shall, previous to making out the duplicate or general assessment list for said county in each year, levy a tax to be styled a "Yuba Railroad Interest and Sinking Fund Tax," sufficient to raise the amount of interest required to be paid, and to provide a Sinking Fund for the payment of said principal sum of sixty-five thousand dollars, and for every year until the said bonds issued under this Act shall be paid and liquidated; the said taxes shall be levied and collected in the same manner as the general taxes for county purposes, and when collected shall be paid to the County Treasurer, to be kept in a separate fund, to be known as the "Yuba Railroad Fund," to be by him applied to the payment of the interest as herein provided, and for the redemption and payment of said bonds under the direction of the Board of Supervisors.

SEC. 7. The said Board of Supervisors, Auditor, and Treasurer of said county shall make arrangements for the payment of the interest on said bonds when the same shall fall due; at least thirty days before the time of payment; and in the event said "Yuba Railroad Fund" is insufficient, the said Treasurer shall draw on the Common or General Fund of said county for said purpose; and in the event these funds prove inadequate, the said Supervisors are authorized and required to make such contracts and arrangements or loans as may be necessary for the payment of said interest and the protection of the faith of said county.

SEC. 8. Whenever, at any time after the payment of the July interest on said bonds, there shall be in the fund so raised for the payment of the principal and interest of said bonds, a sum of money amounting to five thousand dollars over and above the amount required for the payment of the annual interest, the said Board of Supervisors shall advertise in a public newspaper published in said county, for a period of four weeks, for sealed proposals for the redemption of said bonds; and ten days from the time of the expiration of the time for such publication the said Board of Supervisors shall open said sealed proposals, and the said Treasurer shall pay and liquidate, so far as the fund

Justices of the Peace. action, two dollars; and for the trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses, and jury, and the entry of all judgments therein, three dollars; and under no pretext whatever shall said Justices, in any one action, be authorized or legally entitled to ask, demand, or receive any other or further fee or charge, except for copies of papers on appeal, as hereinafter provided.

Percentage allowed prevailing party. SEC. 6. The prevailing party shall be allowed five per cent on the amount recovered, together with any sum by him so paid in a cause as costs and disbursements, to be included in the judgment against the adverse party; *provided*, said five per cent shall be allowed only in litigated cases; and, *provided*, further, that said percentage shall not be allowed to exceed the sum of one hundred dollars on any one judgment.

No other fees. SEC. 7. The Justices of the Peace and the Clerks of the several Courts above named shall receive no other fees for any services whatever performed by them in any action or proceeding, except for copies of papers required on appeal, or furnished

Exception. at the request of any person, for which they shall be allowed at the rate of ten cents for each one hundred words; and in case of any violation of the provisions of this Act, the party receiving any fees not herein allowed shall be liable to refund the same to the party aggrieved, with treble the amount as damages, beside costs of suit, and shall further be liable to impeachment, or removal from office, or both.

Remittance of fees. SEC. 8. The Judges of District, County, and Probate Courts, in and for the City and County of San Francisco, may, upon proper showing of the disability of parties to pay the legal fees, remit the same, or any part thereof.

Repeal. SEC. 9. All Acts or parts of Acts relating to the collection of fees by the County Clerk of San Francisco County in his several official capacities, and by the Justices of the Peace of said county, are hereby repealed as far as they relate to said city and county.

Disposition of fees. SEC. 10. All fees collected by the County Clerk of San Francisco County in his several official capacities shall be paid into the Treasury of said city and county.

SEC. 11. This Act shall be in force from and after its passage.

CHAP. XCII.—*An Act to authorize the Board of Supervisors of the County of Amador to levy an additional tax for county expenditures in said county.*

[Approved February 9, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Levy of tax. SECTION 1. The Board of Supervisors of Amador County are hereby authorized and empowered to levy for the years one thousand eight hundred and sixty-six and one thousand eight hundred and sixty-seven, forty cents on the one hundred dollars taxable property of said county, in addition to the tax now

authorized by law, to be levied and collected in said county for county expenditures; and the income derived from the levy under the provisions of this Act shall be paid into the General Fund of said county, and expended in the same manner as other moneys in said fund.

SEC. 2. The tax authorized to be levied in section one of this Collection. Act shall be collected at the same time and in the same manner as other taxes for county purposes are authorized by law to be collected.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. XCIII.—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven.

[Approved February 9, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of Article Three of said Act is hereby amended so as to read as follows:

Section 7. The Common Council shall have power within the city: ^{Common Council.}

First—To make by-laws and ordinances not repugnant to the By-laws. Constitution and laws of this State.

Second—To levy and collect taxes and assessments for city ^{Levy taxes.} purposes on all property, real and personal, within the city, made taxable by law for State and county purposes, which taxes shall not exceed one and one-half per cent per annum on the assessed value of such property; *provided*, that all real estate ^{Exemptions} within the city limits used expressly for farming purposes, and known as suburban lots, shall be exempt from paying city taxes.

Third—To levy and collect, in addition to the general tax, a School tax. tax of twenty-five cents for every hundred dollars worth of property, real and personal, within the city, made taxable by this Act, for school purposes.

Fourth—To levy and collect a special tax, not exceeding fifty Interest tax. cents on the one hundred dollars, on all property, real and personal, within the city, made taxable by this Act, for the payment of all interest moneys on any and all sums of money borrowed by virtue and authority of and in accordance with the provisions of this Act.

Fifth—To lay out, extend, and alter streets and alleys; to provide for the filling up, widening, grading, draining, cleaning, repairing, lighting, and otherwise improving the same, and for the construction, repair, regulation, and preservation of sidewalks, bridges, drains, gutters, and sewers, and to prevent or remove obstructions thereto, or to any part thereof, and to provide for the numbering of houses. ^{Care of streets.}

Sixth—To levy and collect special assessments of taxes for ^{Levy of spe-} altering, widening, filling up, grading, gravelling, or otherwise ^{cial taxes.}

Delinquents. assessed; and it shall be the duty of the City Clerk to make out a certified list of the delinquent taxes for each year that have heretofore been assessed and are unpaid, which list shall be a true copy of the assessment rolls in respect to such delinquent taxes. When such lists shall have been completed the Clerk shall give the like public notices as provided in section seven of this Act, that he will within fifteen days after the date of such notice deliver such lists to the attorney to be designated in said section seven of this Act; that any delinquent taxes upon any of such lists may be paid in the same manner as provided in section six of this Act before such lists shall have been handed to such attorney. That after the expiration of such public notice of fifteen days, the said Clerk shall deliver such lists to such attorney so designated, who shall proceed to collect, sue for, and recover the delinquent taxes contained in such lists in the same manner as provided in said section seven of this Act for the recovery of the taxes therein referred to and named; and for such purpose such attorney shall be invested with the same powers and authority and entitled to charge and include in any judgment the same costs and fees in respect to such delinquent taxes as are provided for in said section seven of this Act in respect to the taxes therein named and referred to; and the City Marshal and his deputies shall act in such cases and have the same power and authority and receive the like fees in such cases under this section as is provided in section seven of this Act for like services provided to be rendered under that section.

Street assessments.

SEC. 9. Whenever any special assessment shall be levied for filling up, grading, graveling, altering, widening, or otherwise improving any street or alley or any portion thereof, or for the construction or repair of any sidewalk, drain, gutter, or sewer, the City Clerk shall within one week thereafter make out a list of the persons and property so assessed, stating the amount assessed upon each separate parcel of land liable for the improvements made or to be made according to the computation required by subdivision sixth of section seven of this Act, and shall deliver such list, with his certificate thereto attached, to the City Marshal for collection. The City Marshal shall immediately upon receiving such list cause the same to be published in some newspaper published in the city, to be designated by the Common Council, for one week; and shall immediately after such publication shall have been completed proceed to collect such assessments for twenty days. After the expiration of the twenty days he shall make out a list of all delinquents, which shall be verified by his own oath or that of his deputy, and shall hand the same to some attorney, to be designated by the Common Council, who shall proceed to sue for, collect, and recover the same as is in this Act provided for the collection and recovery of other delinquent city taxes; and the said attorney shall have the same power and authority, and be allowed to charge and include in any judgment recovered the same fees and costs as are provided by law for District Attorneys in the collection of delinquent State and county taxes.

SEC. 10. Section three of Article Five of said Act is hereby repealed.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAP. XCIV.—*An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.*

[Approved February 9, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-seven of said Act is hereby amended so as to read as follows:

Section 37. The County Courts shall hold their terms at the county seats of their respective counties at such times as may be provided by law, for the transaction of the general business of such Courts; *provided*, that for the purpose of hearing and determining actions arising under the forcible entry and detainer Act of this State, said County Courts shall be always open and in session; and the orders and judgments by said Courts made in said causes shall have the same force and validity as though rendered at the regular terms of said Courts. All the proceedings of the County Courts shall be construed in the same manner and with like intendment as the proceedings of Courts of general jurisdiction, and the records, orders, judgments, and decrees of said Courts shall have accorded to them like force and effect and legal presumptions as the records, orders, judgments, and decrees of the District Courts.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. XCV.—*An Act to authorize the County of Yuba to donate sixty-five thousand dollars to the Yuba Railroad Company, and provide for the payment of the same, and other matters relating thereto.*

[Approved February 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A special election shall be held in the County of Yuba, at the several places of holding elections therein, on the first day of March next, for the purpose of submitting to the qualified electors of said county the proposition for the County of Yuba, through its Board of Supervisors, to donate the sum of sixty-five thousand dollars to the Yuba Railroad Company, for the speedy completion of the same from the Town of Lincoln, in Placer County, to the City of Marysville, in Yuba County.

- Notice.** SEC. 2. It shall be the duty of the said Board of Supervisors to cause notices of at least ten days to be published in one or more daily newspapers published in said county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon. Ballots shall be prepared, with the words "Donation of sixty-five thousand dollars to the Yuba Railroad Company." Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon; and every ballot against said proposition shall have the word "No" printed or written thereon. Said election shall be conducted in the same manner as elections for county officers, and sealed returns in due form of law made on the vote cast on said proposition within ten days after said election, and in the same manner provided for in the case of the election of county officers, to the Clerk of said county, of the number of votes voting "Yes," and the number of votes voting "No," which returns shall be, on the tenth day after said election, opened and counted in the same manner as the returns of votes for county officers, and the result thereof shall be declared officially by the said Board of Supervisors.
- Returns.**
- Vote.** SEC. 3. If at the said election a greater number of the electors of said county voting upon said proposition shall vote "Yes," than shall vote "No," then and in that event is the Board of Supervisors of said County of Yuba, in the name of said county, authorized, empowered, and directed, immediately after the result of said election is so officially declared, to make and execute sixty-five thousand dollars of bonds, (being sixty-five bonds in the sum of one thousand dollars each,) said bonds to bear interest at the rate of eight per cent per annum from the first day of April, A. D. eighteen hundred and sixty-six; and the principal thereof shall be made payable on a specified day to be named in said bonds, which shall be twenty years after the date of their issue, at the office of the Treasurer of the County of Yuba, both principal and interest payable in the gold coin of the United States, dollar for dollar. The interest accruing on said bonds shall be due and payable semi-annually, on the first days of January and July of each year, so long as said bonds are outstanding unpaid, and shall be made payable at the Treasurer's office in said County of Yuba, on the specified days named in said coupons attached to said bonds.
- Bonds.** SEC. 4. Said bonds shall be prepared and signed by the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, and when so prepared and signed shall be forthwith presented to the Clerk of the County of Yuba, who shall countersign the same as such Clerk, and cause the seal of the County of Yuba to be affixed or impressed upon each of said bonds so countersigned by him, and deliver the same to the President of the Yuba Railroad Company, in the following manner and on the following terms and conditions, to wit: fifteen thousand dollars of said bonds to be delivered upon the completion of said railroad five miles from Lincoln; fifteen thousand dollars of said bonds to be delivered upon the completion of said railroad ten miles from Lincoln; fifteen thousand dollars of said bonds to be delivered upon the completion of said railroad fifteen miles from Lincoln; fifteen thousand dollars of said bonds
- Conditions.**

to be delivered upon the completion of said railroad twenty miles from Lincoln; and five thousand dollars of said bonds to be delivered upon the completion of said railroad to the bank of the Yuba River opposite to the City of Marysville; making in the aggregate the sum of sixty-five thousand dollars in the bonds of the said County of Yuba as herein provided, taking his receipt for the same when so delivered, and report the same to the Board of Supervisors, who shall cause the same to be entered in the official minutes of their proceedings.

SEC. 5. Coupons for the semi-annual interest shall be attached ^{Coupons.} to each bond so that the coupons may be removed without mutilation to the bond, and said coupons shall be signed by the Treasurer of the County of Yuba. When any interest shall be paid upon a bond under the provisions of this Act, the County Treasurer shall receive the detached coupon for the interest then due and paid, and shall cancel and file the same in his office, and report the same to the Board of Supervisors of said county semi-annually.

SEC. 6. The said Board of Supervisors shall, previous to making out the duplicate or general assessment list for said county in each year, levy a tax to be styled a "Yuba Railroad Interest and Sinking Fund Tax," sufficient to raise the amount of interest required to be paid, and to provide a Sinking Fund for the payment of said principal sum of sixty-five thousand dollars, and for every year until the said bonds issued under this Act shall be paid and liquidated; the said taxes shall be levied and collected in the same manner as the general taxes for county purposes, and when collected shall be paid to the County Treasurer, to be kept in a separate fund, to be known as the "Yuba Railroad Fund," to be by him applied to the payment of the interest as herein provided, and for the redemption and payment of said bonds under the direction of the Board of Supervisors.

SEC. 7. The said Board of Supervisors, Auditor, and Treasurer of said county shall make arrangements for the payment of the interest on said bonds when the same shall fall due; at least thirty days before the time of payment; and in the event said "Yuba Railroad Fund" is insufficient, the said Treasurer shall draw on the Common or General Fund of said county for said purpose; and in the event these funds prove inadequate, the said Supervisors are authorized and required to make such contracts and arrangements or loans as may be necessary for the payment of said interest and the protection of the faith of said county.

SEC. 8. Whenever, at any time after the payment of the July interest on said bonds, there shall be in the fund so raised for the payment of the principal and interest of said bonds, a sum of money amounting to five thousand dollars over and above the amount required for the payment of the annual interest, the said Board of Supervisors shall advertise in a public newspaper published in said county, for a period of four weeks, for sealed proposals for the redemption of said bonds; and ten days from the time of the expiration of the time for such publication the said Board of Supervisors shall open said sealed proposals, and the said Treasurer shall pay and liquidate, so far as the fund

then on hand shall extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than their par value; and provided there should be no proposals for less than par value, then the payment of said funds on hand shall be made on said bonds according to the number of their issue, of which the Board of Supervisors shall give four weeks notice of the numbers of bonds to be so paid; after which time said bonds shall cease to draw interest; any moneys remaining in said fund after the redemption and payment of the whole of said outstanding bonds shall be turned over to the Common or General Fund.

Bonds cancelled. SEC. 9. Whenever any bond shall have been paid and redeemed, the said Treasurer shall mark the same cancelled, and deliver the same to the County Auditor, to be by him filed and disposed of as he shall be thereunto directed by the Board of Supervisors of said county.

Interest and redemption account. SEC. 10. The said County Treasurer shall open and keep an account of all moneys collected and paid out for the interest and redemption of said bonds, called the "Yuba Railroad Aid Account," and shall settle the same as often as thereto requested by the said Board of Supervisors.

SEC. 11. This Act shall be taken and deemed a public Act, and shall be in force and take effect from and after the day of its passage.

CHAP. XCVI.—*An Act to confirm a certain deed of the Public Administrator of the City and County of San Francisco.*

[Approved February 14, 1866.]

Preamble.

WHEREAS, on the nineteenth day of November, eighteen hundred and fifty-five, the Probate Court of the City and County of San Francisco duly issued letters of administration upon the estate of Victor Boucher, deceased, to Samuel Flower, then Public Administrator of said city and county; and, whereas, afterwards such proceedings were had in said Court, in the course of said administration, that an order was duly made directing said Samuel Flower, administrator, to sell a certain lot of land in said city and county, situate on the northeast corner of Dupont street and Grant or Saint Mark's Place; and, whereas, said lot having been so sold as directed, the sale was by said Court duly confirmed and the proceeds paid out in course of administration; and, whereas, the term of office of said Samuel Flower having expired and he ceased to act in said administration, said Court directed Robert C. Rogers, his successor in office, to make a deed of said land to Francis Theault, the purchaser at said sale, which was afterwards, to wit: on the nineteenth day of December, eighteen hundred and fifty-six, by said Rogers, made and delivered, and is of record in the county records of said city and county, in liber sixty-five (65) of deeds, page three hundred and seven (307); and, whereas, it appearing that there is doubt as to the power of said Rogers to

make said deed so as to convey said estate to said purchaser, and for the purpose of fully vesting said title and removing said doubts,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That said deed, hereinbefore recited and referred to, is hereby ratified, confirmed, and made valid to all intents and purposes, both in law and equity, as fully and effectually as if made by said Samuel Flower, Public Administrator, under a proper and lawful order of said Court for that purpose, and its recording shall be notice to all persons. *Deed confirmed.*

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. XCVII.—*An Act to amend an Act entitled an Act providing for the time of holding the several Courts of Record in the Tenth Judicial District, approved January thirtieth, eighteen hundred and sixty-four.*

[Approved February 14, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is amended so as to read *Terms of Court.* as follows:

Section 1. There shall be held in each of the counties composing the Tenth Judicial District of this State terms of the District Court commencing as follows:

In the County of Colusa, on the first Monday of January, *Colusa.* May, and September.

In the County of Yuba, on the third Monday of January, *Yuba.* May, and September.

In the County of Sutter, on the fourth Monday of February *Sutter.* and June, and third Monday in October.

In the County of Sierra, on the first Monday of April, second *Sierra.* Monday of July, and fourth Monday of October.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. XCVIII.—*An Act to provide for the prevention of Conflagrations and the protection of property saved from fire in the City and County of San Francisco.*

[Approved February 14, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the association known as the Board of Fire Underwriters, in the City and County of San Francisco, annually to nominate, and with the approval of the *Appoint- ment of Fire Marshal.*

Board of Police Commissioners, to appoint a public officer, to be known as the Fire Marshal, who shall hold his office for the term of one year, unless sooner removed, as provided in this Act. Before entering upon the duties of his office he shall take and subscribe the oath of office before the County Judge, and execute a bond to the State of California in the sum of ten thousand dollars, conditioned for the faithful discharge of his duties, with at least five sureties, to be approved by the County Judge; and his salary shall be fixed from time to time, and paid by the said Board of Underwriters. Any persons aggrieved by any misconduct of said officer may bring an action in his own name on such official bond to recover any damages sustained by him; said bond shall be deposited with the County Clerk of said city and county, subject to the order of the County Judge.

Duties.

SEC. 2. It shall be the duty of said officer to attend at all fires that may occur in said city and county, with a badge of office conspicuously displayed, upon which his official title shall be legibly printed; and he shall take charge of and protect all property of every kind and description during such fires which may be imperilled thereby, and safely keep the same in his possession or under his control until satisfactory proof of ownership be made thereto, and shall as far as practicable prevent property from being injured at such fire, and regulate and direct, when in his opinion it is necessary or expedient, the removal of goods, merchandise, and other property, to a place of safety. He shall and is hereby authorized and empowered to exercise the functions of a peace officer of said city and county. Any person or persons who shall wilfully hinder or obstruct said officer in the lawful discharge or performance of any of the duties of his office, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the County Jail for not more than three months, or by a fine not exceeding five hundred dollars; *provided*, however, that nothing herein contained shall be so construed as to authorize said Fire Marshal to interfere in any manner with the proper discharge of the lawful duties and authority of the Chief and Assistant Engineers of the Fire Department of said city and county.

Required to
investigate
cause of fires

SEC. 3. It shall be the duty of the Fire Marshal to institute investigations into the causes of such fires as occur in said city and county, and for this purpose he shall have power to issue subpœnaeas and administer oaths, and compel the attendance of witnesses before him, by attachment or otherwise. All subpœnaeas issued by him shall be in such form as he may prescribe, and shall be directed to and served by any police officer or by any peace officer of said city and county. Any witness who refuses to attend or testify in obedience to such subpœna, shall be deemed guilty of contempt, and be punishable by him as in cases of contempt in Justices' Courts in civil cases; *provided*, that said officer shall not have jurisdiction to try any person charged with commission of a crime for the purpose of inflicting punishment therefor, but shall make a written report of the testimony to the District Attorney or Assistant District Attorney, and institute criminal prosecutions in all cases in which

there appears to him to be reasonable and probable cause for believing that a fire has been caused by design.

SEC. 4. It shall be the duty of said Fire Marshal to aid in the enforcement of the fire ordinances of said city and county, and for this purpose he is duly authorized to visit and examine all buildings in process of erection or undergoing repairs, and to institute prosecution for all violations of the ordinances of said city and county which relate to the erection, alterations, or repairs of buildings, and the prevention of fires. He shall exercise such additional powers as may be conferred upon him by the ordinances of said city and county, to enable him fully to carry out the object and purposes of this Act and the prevention of fires.

SEC. 5. Any person who saves from fire, or from a building endangered by fire, any property, and who wilfully neglects for two days to give notice to the Fire Marshal, or to the owner of such property, of his possession thereof, shall be deemed guilty of grand or petit larceny, as the case may be, according to the value of said property; and any person who shall be guilty of false swearing in any investigation under this Act, shall be deemed guilty of perjury, and upon conviction thereof shall be punished therefor as in other cases of perjury.

SEC. 6. No person shall be entitled to any property in the hands of the Fire Marshal, saved from fire, until satisfactory proof of ownership be made, and until the actual expenses incurred by said officer for the preservation and keeping of the same shall be paid to him by the owner or claimant of said property; and in case of dispute as to the amount of such expenses, said dispute to be determined by the Police Judge of said city and county.

SEC. 7. It shall be lawful for said Board of Underwriters at any time to remove said Fire Marshal, and to fill any vacancy in said office caused by such removal, or by resignation, death, or absence from the city, in the same manner as provided in section first of this Act.

SEC. 8. The said Fire Marshal is hereby authorized and empowered to appoint one or more persons during the time of fire for the purpose of saving and protecting property at said fire, and until it shall be delivered to the owner or claimants thereof; and the said person or persons so appointed shall have, during such period, the authority and power of a policeman of said city and county, and shall be known as the Fire Marshal's Police; and each of such persons shall wear, while in the discharge of his duty, conspicuously displayed on his person, such badge or device as said Fire Marshal shall designate.

SEC. 9. The said Fire Marshal is hereby duly authorized and empowered to hold and sell or cause to be sold at public auction all property in his possession saved from a fire or fires, for which no owner can be found, after advertising the same in two daily newspapers published in said city and county for the period of thirty days; provided, however, that upon application by said Marshal to the County Judge, it shall appear that such property is perishable, said Judge may order said Marshal to

and expenditures of the said town for the ensuing six months; and after deducting so much of the cash then in the general funds of the Treasury, which, together with the estimated receipts, may be requisite to pay the ordinary current expenses of the town government for the ensuing six months, shall transfer to the "Redemption Fund" all surplus moneys then in the Town Treasury for the sole purpose of redeeming the bonds issued under this Act.

*Surplus
money, how
applied.*

SEC. 14. Whenever, on the first Tuesday of January, eighteen hundred and sixty-eight, or on the first Tuesday in January of any year thereafter, after the payment of the interest then accrued, and the setting apart of a sufficient amount of such fund for the next semi-annual payment of interest, there shall remain a surplus in such "Redemption Fund" of one thousand dollars or upwards, the Board of Commissioners shall proceed to advertise for thirty days, in the manner prescribed in section eight of this Act, inviting sealed proposals for the surrender of bonds issued under this Act. Such advertisement shall state the amount of money on hand applicable to the redemption of such bonds and that no bid will be received exceeding the par value thereof. The Board of Commissioners shall proceed to open and consider such proposals at the time named in the advertisement, and shall accept such proposals, at rates not exceeding the par value, as may redeem the greatest amount of bonds, until the amount of cash on hand is exhausted.

*Transfer of
money.*

SEC. 15. Whenever the said bonds and interest provided for in this Act shall have been redeemed or fully paid at maturity thereof, the tax authorized and levied by this Act shall cease; and all moneys then remaining in the "Redemption Fund" shall be transferred by the Board of Commissioners to the general funds of the Treasury, and may be appropriated to such purpose as the Board of Trustees by ordinance may direct.

*Bonded debt
to be lien.*

SEC. 16. The debt created, and the bonds and coupons for interest issued as evidences of such debt, by virtue of the provisions of this Act, are hereby made and declared to be lien in favor of the holders thereof upon all the taxable property within the corporate limits of said town, which said lien shall be valid and binding in law and equity, and may be enforced by proceedings in any Court of competent jurisdiction; in case of failure or neglect of the corporate authorities of said town to provide ways and means to pay the interest coupons and redeem said bonds at maturity as prescribed in this Act, first: against the property owned by such corporation; and, secondly, if such corporate property prove insufficient to pay the interest and outstanding bonds at any time the same may become due, then pro rata against the individual property of the inhabitants of said town, as the same shall appear listed on the current assessment roll of the County of Nevada in any year in which such proceedings may be commenced, and such liability shall be estimated and calculated by a Commissioner, who shall be appointed by the Court having jurisdiction of the procedure; and no alteration, change, or revocation of the corporate existence of said town, or of the powers, duties, liabilities, or jurisdiction of its corporate authorities, shall in any manner conflict or inter-

telegraph, at a salary not to exceed one hundred dollars per month, payable out of the General Fund.

Fourth—To expend a sum not to exceed four thousand dollars, payable out of the General Fund, for constructing a new bridge over Mission Creek at Brannan street.

Fifth—To employ a Health Officer for the City and County of San Francisco, at a salary not to exceed two hundred dollars per month.

Sixth—To pay, out of the General Fund, the following sums, which have heretofore been allowed by said Board, and ordered paid in excess of the respective allowances provided by statute.

1. For purposes of urgent necessity, twelve thousand (12,000) dollars.

2. For improvements of streets in front of city and county property, twenty-five thousand (25,000) dollars.

3. For hospital purposes, fifteen thousand dollars.

4. For purchase of Broderick Engine, eighteen hundred (1,800) dollars.

5. For purchase of steam fire engine of Pennsylvania Company, Number Twelve (12), four thousand seven hundred and ninety-nine (4,799) dollars.

6. For purchase of hose and other improvements for West End Fire Company, one thousand (1,000) dollars.

7. For general Fire Department purposes other than those above mentioned, eighteen thousand dollars.

Seventh—To expend a sum not to exceed fifteen thousand dollars for the purchase of lot and building, and fitting up the same for a Police Court room.

Eighth—All Acts and parts of Acts inconsistent herewith are hereby repealed.

CHAP. C.—*An Act to authorize José María Loureyro, José Arnaz, Juan Camarillo, Angel Escandon, A. Packard, and Victor Ustusategui to build a Wharf at San Buenaventura, in the County of Santa Barbara.*

[Approved February 14, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The right to construct and maintain a wharf in ~~franchise~~ between Point Magu and Las Pitas, extending into the sea five hundred feet, and to enlarge the same as the wants of trade may require, is hereby granted to said José María Loureyro, José Arnaz, Juan Camarillo, Angel Escandon, A. Packard, and Victor Ustusategui, for the term of twenty years from the passage of this Act.

Sec. 2. The use and occupation of a piece of land within the points named in section one of this Act, commencing at high water mark, five hundred feet in width, and extending five hundred feet into the sea; *provided*, that navigation is not interfered with.

with, is hereby granted to José María Loureyro, José Arnaz, Juan Camarillo, Angel Escandon, A. Packard, and Victor Ustus-austegui, for the term of twenty years from the passage of this Act.

Completion of work.

SEC. 3. The wharf mentioned in section one of this Act shall be commenced within one year and be completed within two years from the date of the passage of this Act; and a failure to comply with the requirements of this section shall be considered a forfeiture of all the rights and privileges herein granted.

Wharfage.

SEC. 4. The Board of Supervisors of Santa Barbara County shall fix the rates of wharfage to be collected at said wharf, and the parties herein named shall be entitled to collect such wharfage as shall be fixed by said Board.

SEC. 5. This Act shall be in force from and after its passage.

CHAP. CI.—*An Act to fix the terms of the County Court and Probate Court of the County of El Dorado.*

[Approved February 14, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Terms of County Court.

SECTION 1. The regular terms of the County Court in and for the County of El Dorado shall be held at the county seat of said county, on the second Monday of March, June, September, and December, in each year.

Probate Court.

SEC. 2. The regular terms of the Probate Court in and for the County of El Dorado shall be held at the county seat of said county, on the second Monday of January, April, July, and October, in each year. Each term of said Court shall, either with or without intermediate adjournments, continue to the commencement of the next term.

Absence of Probate Judge.

SEC. 3. In case of the absence of the Probate Judge from said Court upon any day upon which any petition, citation, notice, process, order, matter, or business whatsoever shall be made returnable to said Court, or may come on or be set for hearing, examination, or determination therein, or be pending in said Court, no such petition, citation, notice, process, order, matter, or business shall fail by reason of such absence; but the same, and the hearing, examination, or determination thereof, and all matter depending thereon, or connected therewith, shall be continued to the next Monday thereafter, at the hour of twelve o'clock meridian; and in case of the further continuation of such absence of said Judge, shall be continued from Monday to Monday, at the same hour, until the said Judge shall be present in said Court at the time to which any such continuance shall be made. The Clerk of said Court shall make an entry in the minutes of said Court of every such absence, and such entry shall be conclusive evidence of the fact of such absence and of every continuance provided for by this Act. The Clerk may also enter a special continuance in every case or matter for which

a continuance is by this Act provided; but the general entry before referred to shall be sufficient for all cases.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed. This Act shall take effect from and after the tenth day of March, one thousand eight hundred and sixty-six.

CHAP. CII.—*An Act to amend an Act entitled an Act to extend the term of office of the Supervisors of El Dorado County, and to change the manner of their election, and define their duties and powers in certain cases, and establish their salaries, approved April sixth, eighteen hundred and fifty-eight.*

[Approved February 14, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is amended so as to read as follows:

Section 3. Each member of the Board of Supervisors of El ^{Salary of Supervisors.} Dorado County shall receive for his services a per diem not to exceed eight dollars for each day's necessary attendance on the business of the county, and twenty-five cents per mile for each mile necessarily travelled from his residence to the county seat and back; *provided*, that but one mileage shall be allowed at each term held; and no Supervisor shall be allowed more than one day's per diem for any one day by reason of his being on the committees appointed by said Board, or for any other cause; and the per diem and mileage during any one year shall not exceed in the aggregate five hundred dollars to each member of the Board. The amount due each member of the Board for per diem and mileage shall be certified to the Auditor by the Clerk of the Board at the end of each term, and the Auditor shall issue his warrant therefor as in other cases of indebtedness or allowances against the county, distinctly specifying in the warrant for what the same is issued. The Supervisors of said county shall do all the duties now required by law to be done, and shall receive no other compensation for their services than is herein provided.

Sec. 2. This Act shall only apply to the Supervisors hereafter elected.

CHAP. CIII.—*An Act to change the name of Carlos Moore to James Carlos Edwards.*

[Approved February 14, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Name changed.

SECTION 1. It shall be lawful for the person heretofore known as Carlos Moore to change his name to James Carlos Edwards, and it is hereby changed accordingly.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CIV.—*An Act amendatory of an Act entitled an Act to provide for the redemption of the funded indebtedness of the City of Sacramento, approved March twenty-eighth, eighteen hundred and sixty-four.*

[Approved February 14, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is amended to read as follows:

Redemption of bonds.

Section 2. All moneys collected in pursuance of section one of this Act shall be set apart and placed in a fund, to be known as the "Funded Debt Redemption Fund" of the City of Sacramento; and whenever the sum of five thousand dollars or more shall be in said fund, the Trustees shall advertise for ten days in some daily paper published in the City of Sacramento, that they will receive sealed bids for the surrender of bonds of the City of Sacramento at the time named. The Board of Trustees shall, in public, open the proposals, and shall accept the lowest bid or bids for the surrender of bonds as hereinbefore provided; *provided*, that no bid shall be accepted for more than thirty cents upon the dollar of the face value of said bonds, exclusive of interest; nor shall any bid be accepted which is not accompanied by the bonds with the interest coupons attached which may remain unpaid. All unaccepted bids and the accompanying bonds shall be returned to the owner.

SEC. 2. This Act shall take effect immediately.

CHAP. CV.—An Act to authorize the Town of Grass Valley to contract a debt and to issue bonds for the construction of Waterworks to supply said town with water.

[Approved February 14, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Town of Grass Valley is hereby authorized and empowered to contract a debt or debts, and to borrow money, on the faith and credit of the town, for the purpose of constructing a system of waterworks, and for supplying said town with water; *provided*, that the whole amount of such debts or moneys borrowed in the aggregate shall not exceed the sum of twenty-five thousand dollars, exclusive of interest.

SEC. 2. The Board of Trustees of the Town of Grass Valley are hereby constituted a Board of Water Fund Commissioners for said town, and as such they and their successors in office shall be and are hereby empowered to perform the duties hereinafter enumerated to carry into effect the provisions of this Act.

SEC. 3. The said Board of Commissioners shall cause to be prepared, and shall have power to issue on behalf of said town, bonds of the denominations of fifty dollars, one hundred dollars, and five hundred dollars each, with coupons for interest attached, bearing interest at the rate of ten per cent per annum, payable in gold and silver coin; which bonds shall be made payable at the Treasurer's office of said town on the first day of January, one thousand eight hundred and seventy-six; and the interest on the same shall be made payable by the Treasurer of said town semi-annually, on the first day of the months of January and July in each year, on presentation of the coupons therefor as the same becomes due; *provided*, that the first payment of interest shall be made on the first day of January, eighteen hundred and sixty-seven, which payment shall include any fractional portion of interest that may be due on bonds sold prior to the first day of July, eighteen hundred and sixty-six.

SEC. 4. Each of said bonds so issued shall be consecutively numbered for each denomination, and shall be signed by the President and the Clerk of the Board of Commissioners, and shall be authenticated by the corporate seal of the Town of Grass Valley, and shall purport in substance that the said town is indebted to the holder thereof in the sum named therein, payable and bearing interest as aforesaid, and that the faith and credit of the said Town of Grass Valley is pledged for the redemption of the same. The coupons for interest shall also be signed by the President and Clerk of the Board, and shall be consecutively numbered according to the date of payment.

SEC. 5. The Clerk of the Board of Commissioners shall keep a record of all their proceedings, and all bonds that may be issued under this Act, showing the number, date, and amount of each, and to whom issued; and as soon as such bonds can be prepared for issue, the Board of Commissioners herein named shall proceed to sell and dispose of a sufficient number and

amount thereof to provide the moneys necessarily required for the purpose of purchasing water and water rights, purchasing or condemning lands for reservoirs and reservoir sites, purchasing and transportation of water pipe, hydrants, and other materials, and putting the same in place, and for the erection, construction, and finishing of all works and appurtenances requisite for a complete system of waterworks for said town, and for supplying the same with water.

Disposition of proceeds.

SEC. 6. All sales of bonds shall be made for gold and silver coin of the United States. The moneys derived from the sale of such bonds shall be devoted solely and exclusively to the uses and purposes declared in the foregoing section, and shall be deposited in the Town Treasury when received, and shall be kept as a separate fund, to be designated the "Water Fund," and shall not be used, diverted, appropriated, or disposed of for any other purpose. The moneys so contained in such "Water Fund" shall be drawn from the Treasury only upon the order of the Board of Water Fund Commissioners, signed by the President and countersigned by the Clerk thereof, specifying the purpose for which and the persons to whom the same are made payable.

Payment of interest.

SEC. 7. The Board of Commissioners may make provision for the payment of interest and the redemption of coupons by the establishment of an agency for that purpose in the City of San Francisco, and may further provide rules and regulations whereby the Tax Collector of said town may be authorized to receive coupons for interest in payment for corporation taxes upon real and personal property assessed during the current year in which coupons shall become payable.

Sales of bonds, how made.

SEC. 8. All sales of bonds shall be made in the following manner: The Board of Commissioners shall cause notices to be published for twenty days in any newspaper published in the Town of Grass Valley, in one newspaper published in Sacramento, and in two newspapers published in the City of San Francisco, inviting sealed proposals for the purchase of said bonds; the notice shall state the time and place of receiving such bids, the amount of bonds to be disposed of, and that bids will be received for one bond or more, naming the lowest amount for which the bonds are issued, and that the payments for the same must be made in gold and silver coin of the United States. Parties proposing to purchase bonds offered as aforesaid must state in writing the amount they propose to purchase, and the rate per centum they propose to pay; provided, that no bid shall be accepted nor any of such bonds shall be sold by the Board at a greater discount than twenty-five cents on the par value thereof.

Acceptance of bids.

SEC. 9. At the time specified in the notice for receiving and considering bids, the Board of Commissioners, or a majority of them, shall meet and proceed to open and consider the proposals, and may accept such as propose to purchase such bonds for the smallest discount, as limited in the next preceding section, or may reject all of such bids, and may re-advertise for proposals if sufficient funds be not provided by the acceptance of a portion or all the bids so made. Upon the acceptance of any such bid, the Clerk of the Board shall immediately notify

the bidder thereof, and require him to pay to the Town Treasurer the amount of the purchase money, in gold and silver coin, within ten days thereafter, and upon the payment of such purchase money by the bidder, shall deliver to him the bonds so purchased.

Sec. 10. At any time after the opening, consideration, and acceptance of proposals for the purchase of such bonds, if it shall appear that the whole amount thereof so offered has not been taken, the Board of Commissioners may proceed to sell the remainder, or any portion thereof, at private sale, to such purchasers as may present themselves; *provided*, that no bonds shall be thus sold at a greater rate of discount than the rate at which any of such bonds were actually bidden for, and such bid accepted, under the terms of this Act, at the time such sealed proposals were opened and considered. And in like manner the said Board of Commissioners may issue and sell to any contractor or contractors, or to any creditor of the said "Water Fund," such portion or amount of said bonds as may be agreed upon between the parties, at the rates and upon the terms and conditions hereinbefore prescribed for the payment of any debt or current liability incurred or contracted in the prosecution of the works for supplying said town with water, but for no other purpose whatever.

Sec. 11. The necessary expenses of preparing such bonds, ^{Expense of} advertising, and issuing the same, shall be paid out of any moneys _{bonds.} of the general funds in the Treasury of said town.

Sec. 12. For the payment of the principal and interest of ^{Payment.} the bonds issued by authority of this Act, there shall be levied and collected annually by the corporate authorities of said town, until the final payment and redemption of the said bonds and interest coupons, and in the same manner as the revenue of said town is or may be directed by law to be collected, upon and from all real and personal property taxable within the corporate limits of said town, a tax of one per centum upon each one hundred dollars of valuation of such property; and the moneys derived from this tax shall be set apart and kept separate, in the amount and manner hereinafter provided, from other moneys in the Town Treasury, and shall be designated as the "Redemption Fund," and shall be applied to the payment of the interest accruing on the bonds herein provided for, and for the final redemption of the principal of said bonds.

Sec. 13. On the first Tuesday of every month in the year ^{Transfer of} eighteen hundred and sixty-seven, and in each and every year _{moneys.} thereafter, the Board of Trustees of said town shall cause three fourths of all taxes collected and paid into the Treasury for real and personal property of said town to be transferred by the Treasurer from the general funds of said town to the "Redemption Fund," until there shall be in such "Redemption Fund" the sum of two thousand and five hundred dollars, which amount shall in all cases remain, subject only to the demand of parties holding and presenting coupons for interest for the current year; and on the first Tuesday of January of every year the said Board of Trustees shall estimate, as nearly as may be, the cash receipts

and expenditures of the said town for the ensuing six months; and after deducting so much of the cash then in the general funds of the Treasury, which, together with the estimated receipts, may be requisite to pay the ordinary current expenses of the town government for the ensuing six months, shall transfer to the "Redemption Fund" all surplus moneys then in the Town Treasury for the sole purpose of redeeming the bonds issued under this Act.

**Surplus
money, how
applied.**

SEC. 14. Whenever, on the first Tuesday of January, eighteen hundred and sixty-eight, or on the first Tuesday in January of any year thereafter, after the payment of the interest then accrued, and the setting apart of a sufficient amount of such fund for the next semi-annual payment of interest, there shall remain a surplus in such "Redemption Fund" of one thousand dollars or upwards, the Board of Commissioners shall proceed to advertise for thirty days, in the manner prescribed in section eight of this Act, inviting sealed proposals for the surrender of bonds issued under this Act. Such advertisement shall state the amount of money on hand applicable to the redemption of such bonds and that no bid will be received exceeding the par value thereof. The Board of Commissioners shall proceed to open and consider such proposals at the time named in the advertisement, and shall accept such proposals, at rates not exceeding the par value, as may redeem the greatest amount of bonds, until the amount of cash on hand is exhausted.

**Transfer of
moneys.**

SEC. 15. Whenever the said bonds and interest provided for in this Act shall have been redeemed or fully paid at maturity thereof, the tax authorized and levied by this Act shall cease; and all moneys then remaining in the "Redemption Fund" shall be transferred by the Board of Commissioners to the general funds of the Treasury, and may be appropriated to such purpose as the Board of Trustees by ordinance may direct.

**Bonded debt
to be lien.**

SEC. 16. The debt created, and the bonds and coupons for interest issued as evidences of such debt, by virtue of the provisions of this Act, are hereby made and declared to be lien in favor of the holders thereof upon all the taxable property within the corporate limits of said town, which said lien shall be valid and binding in law and equity, and may be enforced by proceedings in any Court of competent jurisdiction; in case of failure or neglect of the corporate authorities of said town to provide ways and means to pay the interest coupons and redeem said bonds at maturity as prescribed in this Act, first: against the property owned by such corporation; and, secondly, if such corporate property prove insufficient to pay the interest and outstanding bonds at any time the same may become due, then pro rata against the individual property of the inhabitants of said town, as the same shall appear listed on the current assessment roll of the County of Nevada in any year in which such proceedings may be commenced, and such liability shall be estimated and calculated by a Commissioner, who shall be appointed by the Court having jurisdiction of the procedure; and no alteration, change, or revocation of the corporate existence of said town, or of the powers, duties, liabilities, or jurisdiction of its corporate authorities, shall in any manner conflict or inter-

fere with, abrogate, or amend the rights of the bondholders, vested and confirmed by this Act.

SEC. 17. It shall be and is hereby declared a felony for any member of the Board of Commissioners named in this Act, or for any other officer of said town, to use, appropriate, or divert any of the moneys mentioned and provided for in this Act to any other purpose than as herein declared; or for the Town Treasurer to pay any order drawn upon such funds for any other purpose than for the construction and completion of a system of waterworks for said town, the payment of interest, and the redemption of bonds; or for any person fraudulently to issue any bond or bonds, coupon or coupons, or to issue, sell, or dispose of the same, otherwise than in the manner hereinbefore provided for; or for any person fraudulently or wrongfully to pay out any of the moneys received into the "Redemption Fund," otherwise than as hereinbefore provided; and if any person shall do to the contrary, he or they shall be prosecuted by indictment, and upon conviction shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, and by imprisonment in the State Prison for not less than one year nor more than five years.

SEC. 18. This Act shall take effect immediately upon its passage.

CHAP. CVI.—*An Act to authorize the Controller of State to issue a Duplicate Warrant to August Steurer.*

[Approved February 14, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby authorized to issue to August Steurer, or to his heirs or assigns, a duplicate warrant, Number Six Thousand Eight Hundred and Four, in lieu of the original being lost.

SEC. 2. Before said warrant shall be delivered to the person above named or his legal representatives, the Controller shall demand and receive from him or his heirs or assigns, a bond of indemnity in the penal sum of eighty dollars, said bond being payable to the people of the State of California, conditioned against the appearance of the original warrant.

SEC. 3. The duplicate herein provided to be issued shall be, to all intents and purposes, as good, and all and every incident thereto shall be as effectual as though it was the original warrant, having the proper assignment thereon, and in all legal proceedings it shall have the same force and effect as the original were it in existence; *provided*, that if the original warrant should be found, the duplicate herein directed to be issued shall be null and void.

CHAP. CVII.—*An Act to change the name of William Vaughan to William V. Lanfar.*

[Approved February 14, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Changes name. **SECTION 1.** The name of the person heretofore known as William Vaughan is hereby changed to William V. Lanfar.

CHAP. CVIII.—*An Act to change the name of Harry Thompson to John Jacob Holz.*

[Approved February 14, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Changes name. **SECTION 1.** The name of Harry Thompson is hereby changed to John Jacob Holz.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CIX.—*An Act to appropriate money to pay the claim of O. M. Clayes.*

[Approved February 14, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropria-
tion. **SECTION 1.** The sum of four hundred and twenty-six dollars and ninety-eight cents is hereby appropriated out of any money in the Swamp Land Fund in the State Treasury not otherwise appropriated, to pay the claim of O. M. Clayes for printing the land laws of the State of California; and the Controller of State is hereby authorized and directed to draw his warrant on the Treasurer of State in favor of O. M. Clayes for the sum of four hundred and twenty-six dollars and ninety-eight cents, and the Treasurer is authorized to pay the same.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CX.—An Act to change the name of Addie Laird to that of Addie E. Long.

[Approved February 14, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Addie Laird is hereby changed to ^{Changes} ~~name.~~ Addie E. Long.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CXI.—An Act to amend an Act entitled an Act to create a Board of Water Commissioners in the County of San Bernardino, and to define their duties, approved February eighteenth, eighteen hundred and sixty-four.

[Approved February 14, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

[Section 2.] The duties of the above Commissioners shall be:

First—They shall appoint as many Overseers as they may ^{Overseers.} deem necessary for the proper regulation of the watercourses and ditches in said county, and shall have power to revoke the same at pleasure.

Second—Upon a petition of a majority of those interested, or who own legitimate claims on any ditch, they shall lay out any ^{Apportion-} ~~water.~~ ditch or ditches, and apportion the water thereof among the persons using the same in proportion to the amount of land each person may wish to irrigate, provided there should be water sufficient in said ditch for the irrigation of all said lands; but in case there should not be a sufficient amount of water for said irrigation in any such ditch, upon a petition of a majority of those holding such interests as aforesaid, the Water Commissioners shall immediately re-apportion, without prejudice to any prior occupation, the water thereof; and any person who shall have put in for more land to irrigate than his proportion according to the pro rata of water in the ditch or stream from which he is furnished with water, a re-apportionment shall immediately be made as provided in this section.

Third—Upon the receipt of the returns of the Overseers of ^{Days work.} the number of acres to be irrigated and the amount of water in said ditch to be used for irrigating purposes, and the probable number of days work required to be done on any ditch in that season, they shall apportion the work thereof among the persons required to perform the same.

Fourth—They shall, as soon as they have apportioned the water, make a schedule, stating the hours that each person shall

be entitled to use the water, commencing at the head of each ditch; also opposite the name of each person the number of days work he shall be required to perform.

Record of Board. *Fifth*—They shall keep a book in which they shall record in full all the official acts of said Board, which book shall be furnished by the Board of Supervisors at the expense of the county, and shall be transferred to their successors in office.

Repairs. SEC. 2. Section four of said Act is hereby amended so as to read as follows:

Section 4. Said Overseers shall, on or before the first day of February in each year, examine the ditches their entire length, and make an estimate of the number of days work required to put such ditch in good repair and of sufficient capacity to hold and carry all the water that may be required to pass through them, and report the same to the Commissioners, together with the amount of land to be irrigated, and the amount of water in each ditch; and it is further made the duty of said Overseers to cause any person or persons cutting or leading a water ditch over any public road or highway, to bridge the same, and to cause necessary gates to be placed in intersecting ditches. In such cases, the Overseer shall give ten days notice to said parties, and if they should then fail to comply with the provisions of this section, shall be subject to a conviction for misdemeanor as provided in section sixteen of said Act.

Gates. SEC. 3. Section sixteen of said Act is hereby amended so as to read as follows:

Penalties for obstructions. Section 16. Any person using the water from any of the ditches in the county, when it is not his right to do so, to the detriment of others, and any person obstructing the water of any of said ditches, either by dams or otherwise, or who shall throw or cause to be thrown therein any filth of any description, or permit to run therein any hogs, ducks, or geese, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not more than fifty nor less than twenty-five dollars for the first offence, and not less than fifty or more than one hundred dollars for every subsequent offence, and imprisonment in the County Jail not more than twenty-five nor less than ten days, or by both such fine and imprisonment. All moneys recovered as fines under the provisions of this section shall be applied by the Commissioners for the payment of Overseers' salaries or repairing said ditches. Those violating the provisions of this section shall be prosecuted before any Court of competent jurisdiction in the county or township, upon the complaint of any person damaged by such violation; *provided*, the provisions of this section shall not apply to the running in said watercourses any ducks, geese, or hogs, except on those ditches or watercourses from which water is used for drinking or family use; and it is hereby made the duty of the District Attorney to prosecute all cases arising under this section, and shall be allowed for his services in each conviction the sum of ten dollars, collected from the person or persons convicted.

District Attorney to prosecute.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CXII.—An Act to provide for the collection of Delinquent Taxes in the City of Stockton.

[Approved February 14, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessments of taxes upon all property, both real and personal, in the City of Stockton, for all purposes, for the fiscal year ending on the thirtieth day of April, eighteen hundred and sixty-four, and for the fiscal year ending on the thirtieth day of April, eighteen hundred and sixty-five, and for the fiscal year ending on the thirtieth day of April, eighteen hundred and sixty-six, are hereby legalized and confirmed, and rendered valid and binding both in law and equity, against the persons and property assessed. Assessments legalized.

SEC. 2. All taxes due the City of Stockton shall be deemed payment. delinquent unless they be paid on or before the third Monday of November each year.

SEC. 3. Hereafter it shall be the duty of the City Tax Collector of said city, on the third Monday of November in each year, at the close of his official business on that day, after which date he shall not receive any money for taxes, to enter upon the assessment roll a statement that he has made a levy upon all property therein assessed the taxes upon which have not been paid, and shall immediately ascertain the total amount of taxes then unpaid, and file in the office of the City Clerk a statement of said amount, verified by his oath; and shall make out and file in the office of said Clerk a list of all persons and property then owing taxes, verified by his oath; which list shall be completed by the first Monday of December, and shall be known as the Delinquent List.

SEC. 4. The City Attorney of the City of Stockton is hereby authorized and directed to commence civil actions in the name of the City of Stockton in any of the Justices' Courts of San Joaquin County, in Stockton Township, or in the District Court in and for said county, the jurisdiction of the Court to be determined by the amount sued for, or the relief sought, as in other civil actions, to recover the unpaid taxes in said city for the fiscal years mentioned in section one of this Act, and to recover the unpaid taxes which may hereafter become delinquent; and he shall designate in his complaint the amount of taxes due and unpaid, and shall state the kind and quantity of property assessed, both real and personal, and if real, describe the same. The complaint in all such actions may be as follows:

STATE OF CALIFORNIA, }
County of San Joaquin. }

The City of Stockton vs. A. B., and the real estate and improvements in Stockton, (describing them.) The City of Stockton, by X. S., City Attorney of the City of Stockton, complains of A. B., and also the following real estate and improvements, (description of property,) and for cause of action says: that between the first Monday of _____ and the first Monday of _____,

Complaint. A. D. eighteen ——, in the City of Stockton, in the State of California, O. P. then and there being City Assessor of said city, did duly assess and set down upon an assessment roll all the property, both real and personal, in said city, subject to taxation; and that said assessment roll was afterwards submitted to the Board of Equalization of said city, and was by said Board duly equalized, as provided by law; that said A. B. was then and there owner of, and that there was duly assessed to him, the above described real estate, improvements upon real estate, and certain personal property situated in said city; and that upon such property there has been duly levied for the fiscal year ending ——, A. D. eighteen ——, city tax amounting in the whole to —— dollars, all of which is due, delinquent, and unpaid; of which amount —— dollars was duly assessed and levied against the real estate, and —— dollars against the improvements aforesaid; wherefore said plaintiff prays judgment against said A. B. for the sum of —— dollars, in gold or silver coin of the United States, (the whole of said tax,) and separate judgment against said real estate and improvements for the sum of —— dollars in like coin, (the tax thereon,) and for such other and further judgment as to justice belongs, and for all costs subsequent to the assessment of said taxes and of this action.

X. S., City Attorney City of Stockton.

Defence. And defendant shall not be allowed to set up or show any informality in the levy or assessment as a defence; such defendant being allowed only to plead:

First.—That the taxes have been paid before suit; or,

Second.—That he had not the property mentioned in the complaint at the time of the assessment, and has never been liable to pay said taxes; and no answer shall be filed in any such case unless the same be verified by oath.

Evidence. SEC. 5. The delinquent tax list for said fiscal years, and hereafter, duly certified by the proper officers, shall be delivered to the City Attorney, and the said delinquent lists, or the original or duplicate assessment rolls, or a copy of any entry therein, duly certified, showing unpaid taxes against any person or property, shall be evidence in any Court to prove the delinquency, property assessed, the amount of taxes due and unpaid, and that all the forms of law in relation to the levy and assessment of said taxes have been complied with, and neither the delinquent tax lists nor the assessment rolls need be filed in any case.

Judgment. SEC. 6. Judgments rendered in such cases in the District Court shall be docketed and become liens upon all property of the defendant or defendants liable to taxation, and may be enforced against the same; and the City Attorney may file transcripts of judgments rendered in Justices' Courts under this Act with the County Clerk of San Joaquin County, who shall thereupon docket such judgments, and they shall become liens from and after such docket entry, in like manner as judgments rendered in the District Court under this Act, and the County Clerk may issue execution on such docketed Justices' judgments as on judgments rendered in the District Court.

SEC. 7. An Act to regulate proceedings in civil cases in the Courts of justice in this State, so far as the same is consistent with the provisions of this Act, is hereby made applicable to proceedings under this Act; and any deed derived from a sale of real property under this Act shall be conclusive evidence of title, except as against actual frauds or prepayment of the taxes, and shall entitle the holder thereof to a writ of assistance from the District Court to obtain possession of such property; *provided*, that the Sheriff, in selling said property, shall only sell the smallest quantity that any purchaser will take and pay the judgment and all the costs; and, *provided*, further, that when property sold belongs to minors, or persons under legal disability, they shall have until six months after said disability is removed to redeem said property by paying the whole bid, all subsequent taxes, and interest.

SEC. 8. If the name of the owner of any property upon which the taxes remain unpaid be unknown, or if the same has been assessed to any unknown owner, the person liable to pay the taxes thereon may be sued by a fictitious name, and the summons be served in such manner as the Court may direct; and a deed derived from the sale of such property under the provisions of this Act shall be equally conclusive against the true owner of such property as if the action had been prosecuted against said owner by his real name.

SEC. 9. For services under this Act the City Attorney shall be entitled to a compensation equivalent to fifteen per cent on the amount recovered, to be added thereto if paid before judgment, and if not so paid, then twenty-five per cent, to be added to and to constitute a part of the judgment, and ten per cent upon all amounts paid over or collected under this Act before the commencement of suit; and all officers shall perform such services as may be required of them under this Act without the payment of fees in advance, but they may charge and receive to their own use such fees as are allowed for similar services in other cases; *provided*, such fees are collected of the defendants, and in no case shall the city be liable for services rendered under this Act.

SEC. 10. The provisions of this Act applicable thereto may be hereafter applied and enforced by the City of Stockton for the collection of city taxes hereafter assessed and delinquent; *provided*, however, that this section shall not abridge, and it is not intended to abridge, any of the powers relative to the collection of taxes which said city may now have under its charter.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAP. CXIII.—An Act supplementary to an Act entitled an Act to provide for the construction of a Macadamized Road in the City and County of San Francisco, and for the collection of tolls thereon, approved April fourth, eighteen hundred and sixty-four.

[Approved February 14, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The grantees of the Act to which this is supplementary, and their assigns, are hereby granted one year from the passage of this Act in which to complete the road mentioned in section one of said Act. All the rights, privileges, and immunities granted to William H. Ladd, his associates and assigns, by the Act to which this Act is supplementary, are hereby revived and extended to the present owners of said franchise.

CHAP. CXIV.—An Act for the relief of James D. McCormick.

[Approved February 14, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of seventy-two dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, and the Controller of State required to draw his warrant for said amount in favor of James D. McCormick.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CXV.—An Act to fix the salary of the County Judges of the Counties of Shasta, Trinity, and Tehama, and to provide for the payment of the same.

[Approved February 14, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Judges of the Counties of Shasta, Trinity, and Tehama, shall receive, respectively, the salary of fifteen hundred dollars per annum, to be paid out of the County Treasury of their respective counties as provided by law.

SEC. 2. This Act shall take effect on and after the first day of January, one thousand eight hundred and sixty-eight; and all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. CXVI.—*An Act authorizing the Treasurer of the County of Sacramento to pay the warrant of P. J. O'Neal.*

[Approved February 14, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the County Treasurer of the County of Sacramento to pay warrant Number Two Thousand Eight Hundred and Twelve, issued July twenty-eighth, eighteen hundred and sixty-four, for the sum of three hundred and forty dollars and fifty cents, out of any money in the General Fund of said county. ^{Payment of warrant.}

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CXVII.—*An Act to authorize certain parties to build a Turnpike Road from Sonora, Tuolumne County, to Copperopolis, Calaveras County.*

[Approved February 14, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. H. B. McNeil, J. D. Patterson, John C. Smith, ^{Franchise.} James Oliphant, Charles Williams, Joseph A. Smith, A. A. Whipple, their associates and assigns, are hereby authorized and empowered to construct and maintain a turnpike or wagon road from the Town of Sonora, in the County of Tuolumne, to the Town of Copperopolis, in the County of Calaveras; and said company shall have the right of way, and may enter upon and occupy any public or private lands necessary to the location or construction and repairs thereof under the rights conferred and restrictions imposed upon railroad companies, approved May twentieth, one thousand eight hundred and sixty-one, for a term of twenty years from and after the passage of this Act, upon conditions that they and their associates shall incorporate themselves under the general laws of the State regulating corporations and providing for the incorporation of turnpike roads, and shall adopt the name of the Sonora and Copperopolis Turnpike Road Company, and shall abide by and fulfil the further conditions hereinafter mentioned.

SEC. 2. Said turnpike or wagon road shall be built in a good ^{Road, how} and substantial manner, subject to the approval of the ^{constructed.} Supervisors of Tuolumne and Calaveras Counties. The ascending and descending grades shall not exceed eight feet to the one hundred, with a roadway at least twenty feet wide on all parts of said road; and all bends and short turns shall be built with sufficient wayroom to allow two of any class of teams to pass each other without inconvenience, and without danger to life and limb; and it shall be at all seasons in condition for travel by the largest lumber or other heavily loaded wagons.

Tolls.

SEC. 3. The said company, upon completion of said road, and upon the further condition of keeping the same in repair, shall have the exclusive right to erect toll gates, to demand and collect tolls thereon in such sums of money as they shall see fit, not to exceed the following rates to wit:

For a horse or mule and rider, fifty cents;

Stage, or any vehicle for carrying passengers, with two animals, one dollar and fifty cents; for each additional animal, twenty-five cents;

For loaded wagon or vehicle with two horses, or two mules, or one yoke of oxen attached, one dollar and fifty cents; for each additional animal, twenty-five cents; and for each additional wagon, one dollar; when attached to empty wagons, half rates;

For any pleasure carriage, buggy, gig, or other vehicle, one dollar;

For each loaded pack animal, twenty-five cents; without loads, twelve and one half cents;

For loose horses, mules, or cattle, ten cents;

For sheep, goats, or swine, five cents.

Continuance.

The above rates of toll may be continued for the term of ten years from and after the passage of this Act, after which they shall be fixed by the Supervisors of Tuolumne County, subject to the approval of the Supervisors of Calaveras County.

Completion.

SEC. 4. The said company shall commence the said road within one year and complete the same within two years from and after the passage of this Act.

Tolls.

SEC. 5. The said company may collect tolls on completion of any section of said road of the length of five miles finished equal in amount to the ratio the said five miles may bear to the whole length of the road when fully completed.

Right to use county roads.

SEC. 6. The said company shall have the right to use any portion of one of the county roads coming in contact with their line of survey; *providing*, there are two county roads leading to the same place; but shall not be allowed to erect toll gates upon said county roads, or to obstruct the same in any other manner.

Scale of prices.

SEC. 7. The said company shall keep at each end of the road a signboard, which shall show the scale of prices and the regulations of the road.

SEC. 8. This Act shall take effect from and after its passage.

CHAP. CXVIII.—*An Act to authorize the Masonic Hall Association of the City of San Francisco to increase its capital stock.*

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Increase of stock.

SECTION 1. It shall be lawful for the corporation heretofore incorporated under the name of the Masonic Hall Association of the City of San Francisco, on and after the first day of January, eighteen hundred and sixty-six, to increase its capital stock

to the sum of two hundred and fifty thousand dollars, and to have, hold, possess, and enjoy a capital stock of that amount, divided into twenty-five thousand shares of ten dollars each. Upon filing and recording in the office of the Clerk of the City and County of San Francisco a certificate of the President and Secretary of said corporation, duly verified and acknowledged, showing that at a meeting of the stockholders of said corporation, called by a notice to such stockholders by an advertisement of at least two weeks in every issue of one or more of the daily newspapers published in the City and County of San Francisco, setting forth the time, place, and object of the meeting, the said increase of the said capital stock, and the amount of capital stock aforesaid, were duly authorized by a vote of a majority in value of the stockholders of said corporation, which certificate shall be also verified by the affidavit of the Chairman and Secretary of said meeting.

SEC. 2. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

JOHN YULE,
Speaker of the Assembly.
S. P. WRIGHT,
President of the Senate pro tem.

This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this thirteenth day of February, A. D. eighteen hundred and sixty-six.

JOHN YULE,
Speaker of the Assembly.
T. N. MACHIN,
President of the Senate.

Witness my hand and the Great Seal of State, this thirteenth day of February, A. D. eighteen hundred and sixty-six.



B. B. REDDING,
Secretary of State.

CHAP. CXIX.—*An Act to amend an Act entitled an Act supplemental to and to amend an Act entitled an Act providing for the time of holding the several Courts of Record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, approved April fourth, eighteen hundred and sixty-four.*

[Approved February 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

Section 3. There shall be held in the Fifteenth Judicial District terms of said Court as follows: In the City and County of San Francisco on the first Monday of March, June, September,

Terms of Court.

and December; in the County of Contra Costa on the third Tuesday of April, July, and November.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CXX.—*An Act to provide for the construction of a Telegraph Line in and through the State of California, and between the Atlantic and Pacific.*

[Approved February 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise.

SECTION 1. The right and privilege is hereby granted to D. N. Barney, Henry Morgan, Lewis Roberts, and W. H. Platt, and their assigns, to construct and put and maintain in operation, or to maintain and continue in operation if already constructed, and so far as constructed, a line of telegraph from the City of San Francisco to the City of Marysville, by the way of the Cities of San José, Stockton, and Sacramento, or of any one or more of them, and to do business between the said cities, or any of them, and to have offices and stations for that purpose, with the right of way over any lands belonging to this State, and on, or along, or across any streets, roads, or highways, or across any streams or waters, navigable or otherwise; *provided*, they do not obstruct the said streets, roads, highways, streams, or waters.

Laws not to conflict.

SEC. 2. No existing law shall be so construed as to conflict or interfere with the provisions of this Act; *provided*, that the said D. N. Barney, Henry Morgan, Lewis Roberts, and Wm. H. Platt, or their assigns, shall at all times conform to the present laws of the State concerning telegraph companies so far as relates to the transmission of messages; and, *provided*, also, that the laws of the State now in force for the protection of telegraph lines, or regulating the rights, duties, and responsibilities thereof as to the transmission of messages, or the transaction of any other business, shall apply to the line constructed under the provisions of this Act.

Rights contingent.

SEC. 3. The rights and privileges granted by this Act are granted for the purpose and in aid of the construction of a telegraph line between the Atlantic and Pacific, and they shall cease, and the preceding provisions of this Act shall become of no effect, unless within two (2) years from the passage thereof the said D. N. Barney, Henry Morgan, Lewis Roberts, and Wm. H. Platt, or their assigns, shall have constructed a line of telegraph from the City of San Francisco to some point to the eastward thereof, within a State or Territory of the United States, at which point it will connect itself with one or more lines of telegraph in the United States, communicating with a point or points on the Atlantic, so as thereby to furnish a continuous line of telegraph between the Atlantic and Pacific oceans.

SEC. 4. This Act shall take effect immediately.

CHAP. CXXI.—*An Act to authorize County Courts to change the names of persons in the cases therein specified.*

[Approved February 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Hereafter the names of persons may be changed by a special proceeding in the County Court, in the manner specified in this Act, and not otherwise.

Sec. 2. All applications for changing names shall be made to the County Court of the county where the person whose name is proposed to be changed is domiciled, by petition, to be signed by such person, if of the age of fourteen years and upwards; and also where such person is under twenty-one years of age, if a male, and under the age of eighteen years, if a female, to be signed by one of the parents, if living, or if both be dead, then by the guardian, and if there be no guardian, then by some near relative or friend. The petition shall specify the place of birth and residence of such person, his or her present name, the name proposed, and the reason for such change of name, and shall, if the father of such person be not living, name as far as known to the petitioners the near relatives of such person, and their place of residence.

Sec. 3. A copy of such petition shall be published for four successive weeks in some newspaper printed in said county, if a newspaper be printed therein, but if no newspaper be printed in said county, a copy of said petition shall be posted at three of the most public places in said county for a like period, and proofs shall be made of such publication before such petition shall be considered.

Sec. 4. Such application shall be heard at such time during term as the Court shall appoint, and remonstrances may be filed by any near relatives of the person whose name is proposed to be changed, when the person is under twenty-one years of age, if a male, or eighteen, if a female, and in such and all other cases by any other person or persons who can in such remonstrance show to the Court good and substantial reasons, satisfactory to the Court, against such change of name; and on the hearing the Court may examine on oath any of the petitioners, remonstrants, or other persons, when by the Court deemed necessary, touching the application; and shall make an order changing the name or dismissing the application, as to the Court shall seem right and proper.

Sec. 5. The said petitioner or petitioners shall pay all the fees and costs consequent on such special proceeding, and, in addition thereto, shall, before any order changing the name is entered, pay to the Clerk of said Court twenty dollars, of which seventeen dollars and fifty cents shall be by the said Clerk paid into the County Treasury for the benefit of the County School Fund, and two dollars and a half shall be by him forwarded to the Secretary of State for his fees, with the certified copy of the order of Court, as in the next section provided; and the making of such payments by the petitioners is hereby declared

to be a condition precedent to granting or entering the order for change of name.

Certified copy.

SEC. 6. A certified copy of such order changing the name shall be forwarded by the Clerk of the County Court to the Secretary of State, who shall keep, in a suitable bound book, to be kept in his office, a record of all such change of names, setting forth in separate columns, properly headed, the original name, the new name adopted under the order of Court, the county in which the proceeding was had, and date of said order. The entries shall be made in such mode that both the original and the adopted names shall appear in alphabetical order. The Secretary of State shall be entitled to receive for his services two dollars and fifty cents for recording each change of name, to be paid as provided in the preceding section.

SEC. 7. This Act shall take effect immediately after its passage.

CHAP. CXXII.—An Act changing the time of assessing the value of real and personal property, and collecting the taxes levied thereon for State and County purposes, in the County of Sierra.

[Approved February 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Assessments, when to be made.

SECTION 1. The County Assessor of Sierra County shall assess all the real and personal property in said county, between the first Monday in April and the first Monday in July, of each year.

SEC. 2. The Assessor shall, on the second Monday in July of each year, deliver to the Clerk of the Board of Supervisors the assessment roll of his county.

SEC. 3. The Assessor may at any time subsequent to the first Monday in July, and prior to the third Monday in August, in each year, assess any property which shall not be on the regular list.

Board of Equalization

SEC. 4. The Board of Supervisors of said county shall meet as a Board of Equalization on the second Monday in July of each year, and shall continue in session from time to time until the business of equalization is disposed of; *provided*, however, that they shall not sit after the fourth Monday of July. At the regular meeting of the Board of Supervisors in August, said Board shall sit as a Board of Equalization to equalize the subsequent assessment roll as provided in section third of this Act.

Clerk of Board.

SEC. 5. The Clerk of the Board of Equalization shall deliver the original or first assessment roll, as corrected, on or before the first Monday in August, and the subsequent assessment roll, as corrected, on or before the first Monday in September of each year, to the Auditor of the county.

SEC. 6. The Auditor shall, on the first Monday of September in each year, deliver the first assessment roll, prepared in the

manner required by law, and on the second Monday in September the subsequent assessment roll, prepared in like manner, to the Tax Collector of the county, who shall, immediately on receipt of each of said assessment rolls, proceed to collect the taxes in each township of the county, as directed in the next succeeding section.

SEC. 7. The Tax Collector shall, on or before the first Monday of August, cause to be published in one of the newspapers published in the county, for four consecutive weeks, a notice stating the time when the assessment rolls of the county will be placed in his hands, and that the State and county taxes will then be due and payable thereon, and that the law in regard to their collection will be strictly enforced, and that he will be at the places named in each township on the days therein stated, to receive the taxes due on real and personal property; he shall also, on or before the fourth Monday in August, cause printed notices of like import to be posted in six of the most public places in each township. The Tax Collector or his deputy shall be in attendance at the places and times named in said notices, to receive taxes then due. The Tax Collector shall also keep his office open for the receipt of taxes each day (Sundays excepted) from the first Monday in September to the third Monday in December in each year.

SEC. 8. On the third Monday in December in each year, the Delinquent Tax Collector shall, at the close of his official business on that day, enter on the assessment roll a statement that he has made a levy upon all the property therein assessed, the taxes upon which have not been paid, and shall immediately ascertain the total amount of taxes delinquent, and file in the office of the Auditor a statement, verified by the oath of himself or deputy, which list shall be completed by the fourth Monday in December, and shall be known as the Delinquent List.

SEC. 9. On or before the fourth Monday in December the Collector's Tax Collector shall attend at the office of the County Auditor with his assessment roll, and the Auditor shall then and there administer to the Tax Collector an oath, which shall be written and subscribed on the assessment roll, to the effect that each person and all property assessed in said roll on which taxes have been paid has the word "Paid" marked opposite the name of such, and the property described, and the Auditor shall then foot up the amount of taxes remaining unpaid and make a final settlement with said Tax Collector.

SEC. 10. The Auditor shall, within three days after receiving said delinquent list, deliver the same to the District Attorney of the county, duly certified by him, and shall at the same time publish a notice in one newspaper published in the county that Notice. said delinquent list has been so deposited with the District Attorney, and that unless the delinquent taxes therein specified are paid to said District Attorney within twenty days from date of publication of said notice, action will be commenced by said attorney for the collection of such taxes and costs in the manner prescribed by law.

SEC. 11. At any time before the expiration of the twenty

days mentioned in section ten of this Act, any delinquent taxpayer may pay to the District Attorney the taxes assessed against him, with five per cent additional, taking his receipt therefor.

SEC. 12. All the requirements and directions of the Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, A. D. eighteen hundred and sixty-one, not inconsistent with this Act, shall be applicable to the County of Sierra for each and every purpose of revenue to be derived from taxes on real and personal property.

SEC. 13. All Acts and parts of Acts in conflict with this Act in so far as the same relate to the County of Sierra are hereby repealed.

SEC. 14. This Act shall take effect from and after its passage.

CHAP. CXXIII.—*An Act to amend an Act entitled an Act to grant the right to construct a Wagon Road in Tulare County, approved April twenty-seventh, eighteen hundred and sixty-three.*

[Approved February 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Franchisee. Section 1. Peter Goodhue, John McFarlan, their associates and assigns, are hereby authorized to construct and keep in repair a good wagon road from Deer Creek, near the ranch of McGahey and Wingfield, to or near the Forks of Kern River, in Walker Pass, in Tulare County, and have and enjoy all the rights, privileges, and immunities thereto appertaining, and shall have the right of way, and the right to collect tolls thereon, which are hereby granted to them, their associates and assigns, for the term of twenty-five years; and the State enters into these covenants, and makes these grants, and guarantees these rights and privileges, upon express condition that they and their associates shall incorporate themselves under the general law for the incorporation of wagon road companies, and upon the further condition that within one year from the passage of this Act the said grantees, their associates and assigns, shall commence and within five years complete said wagon road.

SEC. 2. All Acts and parts of Acts contravening the provisions of this Act are for all the purposes of this Act hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CXXIV.—An Act to settle the title to lands in the Town and City of Benicia, in the County of Solano.

[Approved February 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It is hereby made the duty of the County Surveyor ^{Map.} of said county, when called upon by the Trustees of the City of Benicia, and under their direction, to mark upon the present official map of said city the lots and parcels of land therein, designating the same by the names of the owner or occupant as far as known to them the said Trustees, and to cause a duplicate of said map to be made and deposited with the County Recorder of said county, retaining the original in the office of the said Trustees.

SEC. 2. Immediately after the Trustees of Benicia shall have acquired in trust the United States' title to the lands on which the said Benicia is located, the said Trustees shall cause notice to be put in a newspaper published in said county, to be inserted once a week for the term of three months, and by putting up printed posters containing said notice in at least ten of the most public places in said city, requiring every claimant or claimants of any town lot or lots or parcels of land, to file in the office of the said Trustees, within three months from the date of the last publication of the notice, a statement of his or their claim, sworn to, like complaints in civil cases, describing particularly the lot or lots or parcels of land, setting forth the grounds upon which it is founded, and within six months after the expiration of the time limited in the notice as aforesaid, proof of such claim and payment of the price fixed upon the lot or lots or parcels of land claimed, as hereinafter provided, must be made; and no claims shall be filed, or any proof made after the terms respectively prescribed in this section.

SEC. 3. The said Trustees shall have power to pledge the faith and credit of said town for the expenses incurred in entering and surveying the lands as provided in this Act, and the amount required to be paid for said land at the proper United States Land Office, which sums, together with the costs hereinafter specified, shall be by the said Trustees assessed and apportioned with equality upon all the lots or parcels of land in said city, and no claim shall be allowed or certificate awarded to any claimant or claimants unless payment be made, if required, of the proportion due from such claimant or claimants.

SEC. 4. The evidence required to establish any claim to any lot or lots or parcels of land in said city under the provisions of this Act shall be that the claimant thereof is a citizen of the United States, or has declared his intention to become such previous to the filing of his claim, and that said claimant, or he, she, or those under whom he or she claims, were in peaceable possession of said lot or lots or parcels of land in said city at the time of the rejection of the Vallejo title to the "Suscol Rancho" by the Supreme Court of the United States.

Examination
of
claims.

SEC. 5. The said Trustees shall proceed to dispose of the lots or parcels of land claimed as provided for in this Act, and for that purpose shall, as soon as practicable, examine each and every claim filed as herein provided and any papers in support of the same, and hear such proof as the claimant or claimants may submit to establish his or their right thereto; and if the same shall be found to comply with the provisions of this Act, and no conflicting claim shall have been filed, the said Trustees or a majority of them shall issue a certificate confirming his or their claim, which certificate may be recorded in the Recorder's office of said County of Solano, in like manner and with the same effect as deeds are recorded.

Contest of
title.

Appeal, etc.

SEC. 6. In all cases where there shall be a dispute or contest in regard to the title to any lot or lots or parcels of land in said city, the said Trustees or a majority of them shall hear the testimony relating thereto, and shall decide upon the same, and enter their decision upon their minutes of said hearing in a book to be kept for that purpose; and thenceupon, in case there shall be no appeal from such decision within sixty days from the time the same is so entered, the said Trustees or a majority of them shall then issue their certificate to the person or persons to whom the said lot or lots or parcels of land may have been awarded; and in case any claimant or claimants of any such lot or lots or parcels of land as may have been awarded shall feel aggrieved by the said decision, such claimant or claimants may, within sixty days from the time such decision may have been made and entered, commence a proceeding, *de novo*, in the Seventh Judicial District in and for the County of Solano, after filing with the said Trustees notice thereof, by filing with the Clerk of said District Court a complaint, and by serving a copy of such notice and complaint on the contesting party; and if there be more than one contesting party claiming also adversely to other contestants, then on each of said parties. The said contestant or contestants shall answer or demur at and within the time provided for in civil actions; and in all respects the pleadings and all proceedings shall be governed by the same rules applicable to actions commenced in a Court of record, with the same right of appeal and in the same manner to the Supreme Court; and when notice of transfer to said District Court shall be filed with either of the said Trustees, their power to issue a certificate as provided for in this section shall be suspended until the case be dismissed or be finally determined; and upon such dismissal or other final determination, the said Trustees or a majority of them shall issue said certificate to the party found by such determination entitled thereto; *provided*, that any appeal from the District Court to the Supreme Court in any such case shall be taken within thirty days from the final determination thereof by the District Court.

Certificate
of title.

SEC. 7. The certificate herein mentioned, or certified copies of the same under the hand of the County Recorder, shall be deemed and taken in all Courts of justice as *prima facie* evidence of the facts stated therein, and as conveying a title to the holder or person or persons in whose favor the same may be issued; *provided*, that when there shall have been a dispute or contest, as provided in section sixth of this Act, and the party

aggrieved shall within sixty days prosecute his or their rights in the proper tribunal, the provisions of this section as to the effect of a certificate shall not be applicable, but the right of the parties before such tribunal shall be adjudicated on the original claims, as though no confirmation had been made.

SEC. 8. All lots or parcels of land remaining unproved at the expiration of the time specified in section second of this Act shall be deemed the property of said city in which they are situated, and shall be held as such by the said Trustees, to be disposed of hereafter at public auction to the highest bidder, (or as hereinafter specified,) by the said Trustees, in such manner and at such time and place as they or a majority of them shall determine, after giving public notice by publication in some newspaper published in said county, for at least once a week for twelve consecutive weeks, for cash ; and the said Trustees shall issue to the purchasers at said sale, on their complying with the terms thereof, certificates for the lots or parcels of land so purchased, in like manner and with like effect as provided in sections five and seven of this Act. And the said Trustees or either of them are, for the purposes of this Act only, authorized and empowered to administer oaths and affirmations ; and they are also authorized and directed to keep a record book, properly indexed, wherein shall be entered in their order each sale and claim, with a description of the lot or lots or parcels of land sold or claimed, and the name or names of the claimant, and of the contestants, if any, together with minute of any notice of appeal, date of issuance of certificate, and all other proceedings had ; each case or claim to be attested in said record book by the signatures of a majority of said Trustees, which record book shall be subject to public inspection at all reasonable times, and shall within six months after all the said lots or parcels of land have been disposed of, be deposited in the office of the County Recorder of Solano County, as a permanent record of said county, which shall have the same legal effect as other records in said office.

SEC. 9. The said Trustees, or a majority of them, shall have power, on being so instructed by a majority of all the legal votes cast at any special election in said city ordered by them for that purpose in the same manner as they are authorized by law to order special elections to fill vacancies in their own body, to sell any or all of the said lots or parcels of land remaining unproved for a nominal consideration to any responsible company for railroad purposes or other public improvements, upon the condition that the said railroad or other public improvement shall be fully completed.

SEC. 10. Whenever a patent shall issue to said city under any laws of Congress, it shall inure to the several benefit of those whose claims have been confirmed and to whom certificates have issued to every intent as though the same had issued directly to them, without any further or additional conveyance ; and it is hereby made the duty of the said Trustees to cause said patent, when so issued, to be recorded in the Recorder's office of said county, with a reference to this Act in the margin thereof.

Power to
close and
convey
streets.

SEC. 11. The said Trustees shall have power to close and convey to the owner or owners of the property fronting thereon any and all public squares, streets, and alleys, as laid down on the official map of said town, north of "M" street and west of West "Third" street; and on the written application of the owner or owners of three fourths of the property fronting on any alley within any one half block, which block may be south of said "M" street and east of said West "Third" street, to close and convey the same to the owner or owners of the property fronting thereon upon the payment of the fees and expenses as herein provided, and whereupon a certificate shall issue with like effect as herein provided.

SEC. 12. The said Trustees shall be allowed for their services rendered in accordance with the true intent and meaning of this Act the same fees as are now allowed by law to Justices of the Peace in civil cases in said county, to be paid by the claimants, or in case of a contest, the additional cost to be paid by the unsuccessful party or parties.

CHAP. CXXV.—*An Act supplemental to an Act entitled an Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River, approved April eleventh, eighteen hundred and fifty-nine.*

[Approved February 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Free bridge.

SECTION 1. The bridge erected under and by virtue of the provisions of the Act to which this Act is supplemental, and any bridge which may be hereafter erected under and by virtue of the provisions of this Act, shall be free for all crossing of persons or property, except as hereinafter provided.

Sinking Fund.

SEC. 2. It shall be the duty of the Board of Supervisors of Sutter County to provide a Sinking Fund, which shall at no time exceed the sum of fifteen thousand dollars, to be used for the purposes hereinafter specified; and in order to raise said fund, said Board are hereby authorized and empowered to charge and collect for the crossing of said bridge, or any bridge erected in the place thereof under the provisions of this Act, such rates of toll as they may from time to time fix by action of said Board, until said sum of fifteen thousand dollars shall be raised; and they are hereby further authorized and empowered from time to time to replenish said Sinking Fund, whenever all or any part thereof shall be used as hereinafter authorized, so as to keep it at said maximum sum of fifteen thousand dollars, by levying and collecting tolls on said bridge as herein provided.

Purposes thereof.

SEC. 3. Said Sinking Fund shall be raised and preserved for the purpose of building a new bridge whenever, in the opinion of said Board, the present bridge shall be unfit for public use, or be by any means destroyed; *provided*, however, that said Board

may use said fund, or any portion thereof, for the purpose of keeping said bridge in all needful repair, and in protecting it from injury or destruction by action of the elements or otherwise; also for the purpose of grading and keeping in repair the road at the east end of said bridge, and the road at the west end thereof, for a distance of seventeen hundred and thirty feet, commencing at said west end and running thence westerly the said distance to the west bank of the slough lying west of Yuba City; also, for the purpose of building a bridge across said slough, and keeping the same in repair.

Sec. 4. The said Board are hereby further authorized and ^{Suits for toll.} empowered to sue for and receive in gold or silver coin of the United States, in any Court of competent jurisdiction, any sum or sums of money which may become due and owing from any person or persons for tolls for crossing said bridge during the time or times said Board shall cause tolls to be charged and collected therefor, as authorized by this Act.

Sec. 5. All moneys collected under the provisions of this Act shall be deposited with the County Treasurer of said Sutter County, and by him placed to the credit of a fund which shall be called the Bridge Sinking Fund, and he shall issue his receipts therefor.

Sec. 6. The Treasurer of said county shall receive any and all moneys paid over to him under the provisions of this Act, and shall enter the same upon the books of his office to the credit of the Bridge Sinking Fund, and shall disburse the same upon the warrants of said Board of Supervisors on such fund, and he shall receive one per cent of all moneys received as full compensation for receiving and disbursing said fund.

Sec. 7. Said Board of Supervisors are hereby authorized to ^{Warrants on Sinking Fund.} draw their warrants upon the County Treasurer of said county, payable out of the Bridge Sinking Fund, for any of the purposes mentioned in section three of this Act; and such warrants, from the time of their presentation to the County Treasurer for payment until paid, shall bear interest at the rate of ten per cent per annum; *provided*, however, that no warrant shall bear interest after the Treasurer has given notice that he is prepared to pay the same, which notice shall be given in the same manner as County Treasurers are required to give notice of the redemption of county warrants.

Sec. 8. It shall be the duty of said Treasurer to keep a register, etc. of said warrants in order of their presentation for payment, and if there be no moneys in his hands belonging to said Bridge Sinking Fund, to indorse on the back of each warrant the date of said presentation, and thereafter to pay the same in their order of registry as from time to time any moneys shall be paid over to him to the credit of said fund.

Sec. 9. Should said bridge be destroyed, or should it become ^{New bridge.} necessary from any cause to erect a new bridge in place of the present bridge, said Board are hereby authorized to contract for the erection of such new bridge, which said contract shall be made in accordance with the provisions of sections five and six of the Act to which this Act is supplementary.

Sec. 10. Said Board of Supervisors shall appoint some suitable person to collect and receive the tolls charged for crossing ^{Toll keeper.}

said bridge, and shall require from the appointee a bond for the faithful performance of his duties, in a sum not less than one thousand dollars, to be approved by said Board.

**Payment
of tolls.**

SEC. 11. It shall be the duty of the person so appointed to pay over to the County Treasurer of said county, each day, to the credit of the Bridge Sinking Fund, all moneys or tolls collected by him the preceding day, taking the Treasurer's receipt therefor—which receipt shall be filed by such person, at the end of each week, with the County Auditor of said county. The charged amount of each day's payment to the Treasurer, with the date thereof, shall be entered by the person making such payment, in a book to be kept by him for that purpose, and at each meeting of the said Board, such person shall make oath that such entries contain a full, true, and accurate account of all moneys collected by him for or on account of tolls or crossing of said bridge.

**Transaction
of business.**

SEC. 12. A majority of said Board shall be competent to perform all business required to be done by them under the provisions of this Act.

Penalty.

SEC. 13. Every person who shall ride or drive faster than a walk on or over said bridge, or any bridge that may be hereafter constructed in place thereof, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined for the first offence in the sum of ten dollars, and for each succeeding offence in the sum of twenty dollars; such fine shall be paid into the County Treasury, to the credit of said Bridge Sinking Fund.

SEC. 14. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed so far as they conflict with said provisions.

SEC. 15. This Act shall take effect from and after its passage.

CHAP. CXXVI.—*An Act granting the right of way over certain lands in the Counties of Lake and Mendocino for the construction of a Wagon Road.*

[Approved February 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise.

SECTION 1. R. McGarvey, John C. Crigler, A. P. McCarty, Z. P. Stephens, and their assigns, are hereby authorized to take, have, possess, and enjoy all the rights, privileges, rights of way, franchises, and immunities hereinafter mentioned, upon condition that they shall incorporate themselves under the general laws of the State regulating corporations, and shall adopt the name of the "Blue Lake Wagon Road Company," and comply with the further conditions hereinafter mentioned.

**Term
thereof.**

SEC. 2. The said company when incorporated shall have full power to build, construct, and maintain a public toll road from a point on Scott's Creek, in Lake County, by way of Blue Lake,

to the mouth of Coal Creek, intersecting the public road leading from Ukiah City to Potter's Valley, in Mendocino County; to be located as said company shall deem most practical; and shall have the right of way for that purpose, and shall enjoy all the rights, privileges, and immunities thereunto appertaining for the term of twenty years from the completion of said road; *provided*, *Proviso.* that nothing in this Act shall be held or construed to authorize said company to appropriate the lands or possessions of any person or persons for said road without their consent or without condemning the same in the same manner as provided for condemning lands for railroad purposes.

Sec. 3. Said company shall within one year from the passage *Forfeiture for non-completion.* of this Act commence and within two years complete said road, otherwise the rights herein granted shall be forfeited. Said company shall at all times after its completion keep said road in good repair.

Sec. 4. Said company after the completion of said road shall *Tolls.* have the right to charge and collect such tolls as may from time to time be fixed by the Board of Supervisors of Lake County; *provided*, said Board shall not establish or reduce the rates of tolls so as to make the dividends on the amount of capital actually expended in the construction of said road less than twenty-five per cent per annum upon the amount of such actual capital expended as aforesaid, and the costs of keeping said road in repair, which tolls shall be so regulated as to make the rates of tolls equal on each mile of said road; and the Board of Supervisors of said County of Lake, for the purpose of fixing the rates of tolls aforesaid, shall have power and it is hereby made their duty to examine from time to time the book of subscription to the capital stock and all other books of said company, and swear and examine any and all witnesses and persons necessary to enable them to carry out the provisions of this section.

Sec. 5. This Act shall not be construed so as to authorize the persons herein named to take possession of or appropriate for their use and benefit any public road in the Counties of Lake or Mendocino. This Act shall take effect from and after its passage.

CHAP. CXXVII.—*An Act authorizing and directing the Board of Supervisors of Sierra County to issue the bonds of said county for the sum of twenty thousand dollars to the Marysville and Beckwith Pass Turnpike Road Company.*

[Approved February 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Sierra County shall *Issue of bonds.* issue bonds of the County of Sierra, amounting in the aggregate

to the sum of twenty thousand dollars, and deliver the same to the Marysville and Beckwith Pass Turnpike Road Company or its agent, at the time and on the conditions in this Act specified, and not otherwise.

Denomination. SEC. 2. Such bonds shall be issued in denominations of five hundred dollars each, and be payable in eight years from the fifteenth day of October, eighteen hundred and sixty-six, and shall bear interest at the rate of ten per cent per annum, payable semi-annually, on the fifteenth day of October and April of each year; *provided*, that the first payment of interest shall be on the fifteenth day of October, eighteen hundred and sixty-six, for such amount of interest as shall have accrued on said bonds up to that time; said bonds and interest payable at the office of the Treasurer of said county in United States gold coin. Such bonds shall be signed by the Chairman of the Board of Supervisors, countersigned by the County Auditor, and indorsed by the Treasurer of said county. Sixteen coupons shall be attached to each bond, and numbered consecutively, and shall express the amount of interest due at each payment, when and where payable, and shall be signed in the same manner as the bonds are required to be signed.

Interest. SEC. 3. Such bonds shall stand on the same footing with and be payable out of the same fund and in the same manner as the bonds of said county are issued, under the provisions of an Act of the Legislature of this State, entitled an Act to provide for the construction and maintenance of a wagon road from Downieville to Sierraville, in Sierra County, approved January thirty-first, eighteen hundred and sixty-six.

Coupons. SEC. 4. The bonds provided for in this Act shall be issued within ten days after the bonds provided for in the last mentioned Act shall have been issued; *provided*, the said Marysville and Beckwith Pass Turnpike Road Company shall, before the expiration of said ten days, have made and filed with the Clerk of the Board of Supervisors a good and sufficient bond, in the sum of twenty thousand dollars, payable in gold coin, conditioned to complete the Marysville and Beckwith Pass Turnpike Road from La Porte to the City of '76, before the first day of August, eighteen hundred and sixty-seven.

When to be issued. SEC. 5. For a failure on the part of the Chairman or any member of the Board of Supervisors, or any officer of Sierra County, to perform any duty required by this Act at the proper time and upon the terms and conditions herein specified, such Chairman, members, or officers, or all of them, as the case may be, shall be personally liable to the party injured by such failure in twice the sum such party may be damaged, and shall also be deemed and held guilty of a misdemeanor, and on conviction thereof shall be fined one thousand dollars and imprisoned in the County Jail of said county for five hundred days.

Neglect of duty. SEC. 6. This Act shall be in force from and after its passage.

CHAP. CXXVIII.—*An Act entitled an Act to authorize the Board of Supervisors of Merced County to levy an additional tax for county purposes.*

[Approved February 21, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Merced County are *Levy of tax.* authorized by this Act, and it shall be lawful, should the Board of Supervisors deem it necessary, to levy annually for each of the years one thousand eight hundred and sixty-six, and one thousand eight hundred and sixty-seven, a property tax for county purposes not to exceed fifty cents on the hundred dollars, in addition to the taxes now authorized by law for county purposes. The tax provided for in this Act shall be levied at the same time and collected by the same officers and in the same manner as general taxes for State and county purposes; provided, that the tax provided for in this Act for the year one thousand eight hundred and sixty-six may be levied by the Board of Supervisors at any regular meeting of the Board after the passage of this Act.

Sec. 2. This Act shall take effect from and after its passage.

CHAP. CXXIX.—*An Act to authorize the Board of Supervisors of Tehama County to levy taxes for county purposes.*

[Approved February 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Tehama County are *Levy of tax.* hereby authorized and directed to levy, at the same time that other State and county taxes are levied, eighty cents upon each one hundred dollars worth of the taxable property of said county, which tax shall be assessed and collected as provided by law, and shall constitute the entire tax in said county for county purposes.

Sec. 2. This Act shall take effect and be in force immediately after its passage.

CHAP. CXXX.—An Act to amend an Act entitled an Act to fix the bonds of the Treasurer of the County of Santa Barbara, approved February sixth, eighteen hundred and sixty-four.

[Approved February 27, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Official bond. SECTION 1. The Treasurer of the County of Santa Barbara, on or before entering upon the duties of his office, shall be required to take the oath of office, and give bonds in the manner now prescribed by law, conditioned for the faithful performance of the duties of his office, in the sum of twenty thousand dollars; provided, from and after the passage of this Act the Board of Supervisors of the County of Santa Barbara may require from time to time additional and increased bonds from the County Treasurer of said county.

SEC. 2. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CXXXI.—An Act concerning Roads and Highways in the County of Tuolumne.

[Approved February 27, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Sections of general law applicable. SECTION 1. The sections from one to twelve, inclusive, and sections seventeen, nineteen, and twenty, of an Act entitled an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, are hereby made applicable to the County of Tuolumne, and the said county is hereby exempted from the operation of the remaining sections of said Act.

Levy of road poll tax. SEC. 2. At the session of the Board of Supervisors of Tuolumne County for levying other taxes required by law, the said Board shall levy upon each able bodied man, except Indians, between the age of twenty-one and sixty years, a road poll tax, not to exceed four dollars per annum, payable in money the same as other taxes, and upon all taxable property in the county a tax for road purposes of not more than thirty cents upon each one hundred dollars, which shall be collected as other taxes. All able bodied men except Indians, who have resided three months in the State and ten days in the road district, shall pay the road poll tax herein provided for; and all moneys received or collected for such taxes or assessments shall be paid into and constitute the District Road Fund of the road district from which the same was collected.

Sec. 3. To enforce the collection of road poll taxes as provided in this Act, the District Collectors may seize so much of any and every species of personal property whatever claimed by any person liable to and refusing or neglecting to pay his road poll tax, or property in the possession of or due from any other person and belonging to such person so refusing to pay such road poll tax, as will be sufficient to pay such road poll tax and costs of seizure, which costs shall not exceed two dollars, and shall and may sell the same at any time or place, upon giving verbal notice one hour previous to such sale; and any person indebted to another liable to pay road poll tax, but who has neglected or refused to pay the same, shall be liable to pay said road poll tax for such other person after service upon him by the District Tax Collector of a notice in writing, stating the name or names of the person or persons so liable and owing road poll tax, and such debtor may deduct the amount thereof, with the costs of serving said notice, which shall be one dollar, (and for which he shall be equally responsible,) from such indebtedness.

Sec. 4. Whenever from any cause whatever the District Tax Collector shall be unable to collect the road poll tax from any person liable to pay the same, he shall certify to the Road Commissioner of the district the name and description of the person, and such person shall, upon the requisition of the Road Commissioner, work upon the public roads of the district a sufficient number of days to exhaust the amount of said road poll tax, by crediting for each day's work at the rate of two dollars per day.

Sec. 5. Each Supervisor of the County of Tuolumne shall be and act as the Road Commissioner in his district, and shall have power to appoint one or more Road Masters in his respective district, to hold office during the pleasure of the Supervisor who may have respectively appointed them. The road districts as now established shall be road districts within the meaning of this law, but they may be changed by the Board of Supervisors at any time when the public good requires.

Sec. 6. It shall be the duty of each District Tax Collector, in each year, on the first Monday of March, June, September, and December, to file with the Board of Supervisors a list, under oath, of the names of each and every person who has paid the road poll tax in his district during the preceding quarter; and the Board of Supervisors are prohibited from allowing the salary of any District Collector until he has filed such list.

Sec. 7. It shall be the duty of the County Treasurer to keep his books in such manner as will show how much road tax has been received from each road district, and how much paid out; and he shall pay all district road moneys out upon warrants drawn by order of the Board of Supervisors, and in no other manner.

Sec. 8. The Board of Supervisors are hereby prohibited from authorizing warrants to be drawn on any of the District Road Funds unless there is money sufficient in such district fund or funds to pay such warrant or warrants at the time they are authorized to be drawn. And no more money shall be expended for road purposes in any of the road districts of this county

than the amount collected for road purposes therein, except by a vote of a majority of the Board of Supervisors.

Compensation. SEC. 9. The Road Commissioners shall receive no compensation for the services imposed on them by this Act, other than their actual expenses when necessarily required to travel over and superintend the roads of their respective districts. The Road Masters shall each receive for their services, while in actual employment, such compensation as the Board of Supervisors may deem just, not to exceed four dollars per day; *provided*, that the Board of Supervisors may limit the time to be occupied by each Road Master in the performance of the duties of his office in his district.

Cities and towns excluded. SEC. 10. This Act shall not be applicable to the incorporated cities and towns in Tuolumne County, only so far as relates to the assessment of the tax on property for road purposes.

Levy of special tax. SEC. 11. It is hereby made the duty of the Board of Supervisors of the County of Tuolumne to levy a special tax, of such an amount as in addition to all other taxes provided by law upon the taxable property in said county shall liquidate all outstanding warrants which shall have been drawn on the County Road Fund of said county prior to the first Monday of March, one thousand eight hundred and sixty-six, within the period of three years; such tax to be collected as other assessed taxes are collected in said county, and to be called the County Road Fund.

SEC. 12. This Act shall take effect on the first day of March, eighteen hundred and sixty-six; and all Acts or parts of Acts in conflict with the provisions of this Act, are hereby made inapplicable to the County of Tuolumne.

CHAP. CXXXII.—*An Act to amend an Act entitled an Act to fund the indebtedness of Calaveras County, approved April twenty-first, eighteen hundred and sixty-three.*

[Approved February 27, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is hereby amended so as to read as follows:

Levy of tax. Section 4. So long as there shall remain outstanding and unpaid any of the bonds issued under the provisions of this Act, or any interest due thereon, it shall be the duty of the Board of Supervisors to cause to be levied annually a special tax, to be collected in the same manner as is now provided by law in force, or which may be hereafter enacted, on the real and personal property of said county, not to exceed one per centum in addition to the tax now authorized by law to be levied and collected, sufficient to meet the interest accruing annually on such bonds, and to create a Sinking Fund for the redemption of the same.

CHAP. CXXXIII.—An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grade of certain streets in said city and county.

[Approved February 27, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered (the ^{Grade of} ~~Vallejo~~ ^{street.}) owners of two thirds of the property, according to the frontage, on the line of Vallejo street, between Leavenworth and Larkin streets, and on the line of Hyde street, between Green street and Broadway, petitioning therefor,) by ordinance to so modify the grade of Vallejo street, in said city and county, that the crossing of Vallejo and Hyde streets shall be two hundred and fifteen feet (215) above the base line of the city grades as established by law, and at a point on said Vallejo street midway between Hyde and Leavenworth, to fix the grade at two hundred and thirty-nine (239) feet above said base line, and to make the lines of said Hyde street, between Green and Broadway streets, and Vallejo street, between Leavenworth and Larkin streets, conform thereto; *provided*, that in no event shall the intersection of Hyde and Vallejo streets be cut down more than five feet below the present official grade.

Sec. 2. This Act shall take effect immediately.

CHAP. CXXXIV.—An Act to change the name of Bridget Louisa Howard to Margaret Louisa Byrne.

[Approved February 27, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Bridget Louisa Howard is hereby ^{Changes} ~~name.~~ changed to Margaret Louisa Byrne.

Sec. 2. This Act shall take effect immediately.

CHAP. CXXXV.—An Act amendatory of and supplemental to an Act entitled an Act to grant the right to construct a Turnpike Road from Campo Seco to Mokelumne Hill, thence to the Big Tree Road, near the Big Meadows, in Calaveras County, passed April second, A. D. eighteen hundred and sixty-four.

[Approved February 27, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said Act is hereby amended so as to read as follows:

Tolls.

Section 5. The said company, upon the completion of any portion of said turnpike road, shall be authorized to charge and collect such rates of fare or tolls as the Board of Supervisors of Calaveras County may establish, and upon the completion of said road the company shall be authorized and empowered to charge and collect such rates of toll as the Board of Supervisors shall fix annually.

SEC. 2. The time for completing said road is hereby extended to the second day of April, A. D. eighteen hundred and sixty-nine.

CHAP. CXXXVI.—An Act to amend an Act entitled an Act to amend an Act entitled an Act to make certain offices in Calaveras County salaried offices, approved April twenty-fifth, A. D. eighteen hundred and sixty-three, approved March twenty-second, A. D. eighteen hundred and sixty-four.

[Approved February 27, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of the Act of which said Act is amendatory is amended so as to read as follows:

Assistants,
and salaries.

Section 5. The Sheriff shall be allowed the following assistants, to be paid by the county: One Under Sheriff, to be paid at the rate of one hundred and fifty dollars per month; one deputy, to be paid at the rate of two hundred dollars per month; one jailor, to be paid at the rate of eighty dollars per month; and one assistant jailor, to be paid at the rate of seventy dollars per month. Any other deputies that may be required for the performance of the duties of the office of Sheriff shall be paid by the Sheriff from his salary as herein provided; provided, that the assistant jailor, in addition to his duties as such assistant jailor, may be authorized to act as Deputy Sheriff, and when necessary shall attend the sittings of the District and County Courts.

SEC. 2. This Act shall take effect and be in force from and after the first Monday in March, A. D. eighteen hundred and sixty-six.

CHAP. CXXXVII.—An Act to provide for the payment of Contingent Expenses, and to abolish the Hospital Fund of Alpine County.

[Approved February 27, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Alpine County are ^{Tax levied.} hereby authorized to levy a special tax annually, not to exceed the sum of thirty cents on each one hundred dollars of taxable property in said county.

SEC. 2. The said tax shall be levied and collected at the same time and in the same manner as other State and county taxes are levied and collected.

SEC. 3. The money arising from said tax shall be set apart ^{Contingent fund and uses.} as a separate fund, to be known as the Contingent Fund of Alpine County, and shall be applied to the payment of the following expenses only, to wit: The fitting up and necessary repairs of the county buildings, the furnishing of the county offices and Court room with the necessary record books, stationery, fuel, and lights, and the necessary expenses for the board and clothing of persons confined in the County Jail; *provided*, the same shall not include the jailor's salary.

SEC. 4. If on the first Monday in March of each year there ^{Transfer of funds.} shall remain any money in the Contingent Fund, the same shall be transferred to the General Fund of said county.

SEC. 5. The Board of Supervisors of Alpine County may, in ^{Hospital tax.} their discretion, dispense with levying any tax upon the property of said county for hospital purposes; and all money remaining in the Hospital and Road Funds of Alpine County on the first Monday in March, eighteen hundred and sixty-six, may, by order of said Board, be transferred to the General Fund of said ^{Transfer.} county.

SEC. 6. Any expenses arising in Alpine County for hospital ^{Expenses, how paid.} purposes after the first Monday in March, eighteen hundred and sixty-six, may be paid out of the General Fund in the same manner as other charges against the General Fund are paid.

SEC. 7. The amount of tax authorized by this Act shall be ^{Deduction.} deducted from the amount of the general tax of the county, so that there shall be no increase of taxation in said county.

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAP. CXXXVIII.—*An Act concerning the fees of jurors and witnesses in the City and County of San Francisco.*

[Approved February 27, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In the City and County of San Francisco the fees of jurors and witnesses shall be as hereinafter provided.

Fees of jurors. SEC. 2. The fees of jurors shall be for each cause—and if a cause occupy more than a day, then for each day's attendance—two dollars, in United States gold or silver coin, to be paid in civil cases by the party in whose favor verdict is rendered before the same may be recovered as costs against the party losing the case. If in any trial in a civil case before any Court the jury be, from any cause, discharged without finding a verdict, the fees of the jury shall be paid by the plaintiff, but may be recovered back as costs if he afterwards obtain judgment. Until they are paid, no further proceedings shall be allowed in the action. No person shall receive fees for serving on a Coroner's jury.

Fees of witnesses. SEC. 3. The fees of witnesses for attending in any civil suit or proceeding before any Court of record, Referee, Commissioner, or Justice of the Peace, shall be for each day two dollars in United States gold or silver coin. No person shall be obliged to attend as a witness in a civil action unless his fees for attendance have been tendered him, or he shall not have demanded the same; and no person who resides without said city and county shall be obliged in a civil action or proceeding to attend as a witness in said county unless the distance be less than thirty miles from his place of residence to the place of trial; and any such witness shall be entitled for travelling from his place of residence to the place of trial, to twenty-five cents for each mile.

SEC. 4. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 5. This Act shall go into effect immediately.

CHAP. CXXXIX.—*An Act to change the name of William Jones.*

[Approved February 27, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

**Changes
name.**

SECTION 1. The name of William Jones is hereby changed to that of William R. L. Jones.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CXL.—An Act requiring monthly payment of the salaries of County Judge and District Attorney in the County of Alpine.

[Approved February 27, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Judge and District Attorney of the ~~Salaries.~~ County of Alpine shall be paid their respective salaries monthly. The County Auditor shall draw his warrant on the Treasurer for the payment of said salaries on the last day of each month, except when said last day falls on Sunday; then on the day previous; and the Treasurer shall pay the same as in other cases.

Sec. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CXLI.—An Act to give mileage to Grand and Trial Jurors in the County of Santa Clara.

[Approved February 27, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In Santa Clara County any grand or trial juror ~~Jurors.~~ who may live two miles or more from the County Court House shall receive mileage at the rate of twenty cents per mile for the distance necessarily travelled by him in going from his place of residence to the County Court House; but no mileage shall be allowed to any juror who may live within two miles of the Court House.

Sec. 2. The County Clerk shall issue to any juror who may be entitled to mileage a certificate of the number of miles travelled, with the amount of mileage due him, and such mileage shall be allowed and paid out of the County Treasury, as other dues.

Sec. 3. All Acts or parts of Acts so far as in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in force from and after its passage.

CHAP. CXLII.—*An Act to abolish the office of Tax Collector in Shasta County.*

[Approved February 27, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Office abolished. SECTION 1. The office of Tax Collector, as a separate office, in the County of Shasta, shall be and is hereby abolished, and the duties of said office, as now defined by law, are apportioned to other offices, as hereinafter provided.

Tax Collector. SEC. 2. The Sheriff of said county shall be and is hereby made ex officio Collector of the foreign miners' license; all other licenses and all kinds of public dues which by law are required to be collected, except the per capita tax, and all kinds of taxes arising from the assessment of property, either real or personal, and all duties and liabilities imposed by law upon the Collector in the collection of said license and public dues, shall attach to the office of Sheriff; and all authority and power possessed by the Collector for the enforcement of such collections are hereby conferred upon said Sheriff; and he shall give such additional bonds as are by law required to be given by the Collector for like responsibilities; and he shall receive for such services the same compensation now allowed to the Collector for like services; *provided*, however, that for every foreign miner's license collected, for which the Collector now receives twenty per cent, or eighty cents for each license, the Sheriff shall receive and retain fifty cents for each such license, as compensation for his services, paying the remaining thirty cents on each license to the County Treasurer, who shall place the same in the General School Fund of said county.

Assessor to collect tax. SEC. 3. The Assessor of said county is authorized and it is hereby made his duty to collect all the poll or per capita tax except the road poll tax, and the taxes upon all movable personal property, and upon the entry of any assessment of movable personal property, to any person, firm, corporation, association, or company, who does not own real estate sufficient in the opinion of the Assessor to insure the payment of such tax within the county, to demand the payment of the taxes upon the same; and if such person, firm, corporation, association, or company shall refuse or neglect to pay such taxes, the Assessor shall, by virtue of the power herein vested in him, proceed to collect such taxes in the same manner prescribed by law for the Collector; and the Assessor shall receive for his services in the collection of taxes the same compensation allowed by law to the Collector for like services, and for the faithful performance of his duties as Collector shall give such additional bonds as the Board of Supervisors in their discretion may direct.

Treasurer to collect tax. SEC. 4. The County Treasurer shall and it is hereby made his duty to receive and collect the property tax of said county, except that portion of said tax the collection of which is otherwise provided for in this Act; and he shall take the percentage allowed by law to the Collector for such services and place it in the General School Fund of said county, with the funds arising

from the collection of foreign miners' license, all of which shall be applied to and used for the benefit of public schools in the same manner as the law prescribes for funds derived from other sources for the same purpose; and the Treasurer shall receive no compensation for his services as Collector in addition to his salary as Treasurer. It shall not be necessary for the Treasurer to make a demand for taxes, but it is hereby made the duty of the taxpayers of said county to pay their taxes to the Treasurer at his office or place of public business; and the Treasurer shall give such additional bonds for the faithful performance of his duties as Collector of such taxes as the Board of Supervisors may direct.

SEC. 5. On the second Monday in December in each year the <sup>Delinquent
list, etc.</sup> Treasurer shall, at the close of his official business as Collector on that day, proceed to perform the duties prescribed for the Collector in section thirty-four of the general revenue law of this State, including the delinquent tax list, which list shall be completed by the third Monday in December; and to enable the Treasurer to make out said list, no taxes shall be received by him on the duplicate assessment roll after making the entry upon said roll as provided for by law; and on the third Monday ^{Settlement.} in December in each year the Treasurer shall attend at the office of the County Auditor, with his duplicate assessment roll, and then and there the Treasurer and Auditor shall make such settlement and in the same manner as is now required by law of the Collector and Auditor.

SEC. 6. The Auditor shall within three days after receiving ^{suit.} such delinquent list, deliver the same to the District Attorney of his county, duly certified by him, and the said District Attorney is hereby authorized and directed to commence action for the collection of such delinquent taxes, with the additional five per cent and costs. The District Attorney, before receiving the delinquent list as provided in this section, shall enter into such additional bonds as may be required by the Board of Supervisors.

SEC. 7. The Auditor shall, at least twenty days prior to the time of delivering such delinquent list to the District Attorney <sup>Notice of
suit.</sup> as provided for in this Act, cause a notice to be published in some newspaper printed at or near the county seat of said county, that a list of the names of the persons whose taxes have not been paid by the second Monday in December will be returned to the District Attorney, with the amount of taxes each person owes, with an additional five per cent, and the District Attorney will commence actions for the collection of the same with costs.

SEC. 8. All Acts or parts of Acts in conflict with the provisions of this Act, so far as they apply to the County of Shasta, are hereby repealed.

SEC. 9. This Act shall take effect from and after the first Monday in March, one thousand eight hundred and sixty-eight.

CHAP. CXLIII.—An Act for the relief of J. B. Cook, County Treasurer of Lake County.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Release from payment. SECTION 1. J. B. Cook, the County Treasurer of Lake County, and the sureties on his official bond, shall be released from the payment of the sum of eighteen hundred and thirty-eight dollars, stolen from the said J. B. Cook as Treasurer of Lake County, on the night of the twenty-fourth day of October, eighteen hundred and sixty-five; *provided*, that in case all or any portion of said sum of eighteen hundred and thirty-eight dollars be hereafter recovered, the said J. B. Cook and the sureties on his said official bond shall be bound to the State of California and to the County of Lake in the said sum in proportion as the same may be due and owing said State and county respectively.

SEC. 2. The Controller of State is hereby authorized and directed in his official settlement with said J. B. Cook, Treasurer of Lake County, to credit the said J. B. Cook with the sum of eleven hundred and sixteen dollars and seventy-eight cents, conditioned as provided in this Act.

SEC. 3. This Act shall take effect from and after its passage.

JOHN YULE,
Speaker of the Assembly.
S. P. WRIGHT,
President of the Senate pro tem.

This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this twenty-seventh day of February, A. D. eighteen hundred and sixty-six.

JOHN YULE,
Speaker of the Assembly.
T. W. MACHIN,
President of the Senate.



Witness my hand and the Great Seal of State this twenty-seventh day of February, A. D. eighteen hundred and sixty-six.

B. B. REDDING,
Secretary of State.

CHAP. CXLIV.—An Act to amend an Act entitled an Act to amend an Act supplementary to an Act to amend an Act to prevent trespassing of animals upon private property, approved the seventeenth day of May, one thousand eight hundred and sixty-one, approved April twenty-fifth, eighteen hundred and sixty-three.

[Approved February 28, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amendment SECTION 1. Section third of said Act is hereby amended so as to read as follows:

Section 3. This Act shall apply only to the County of Los Angeles.

CHAP. CXLV.—An Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge, and District Attorney, and fixing their compensation, for the County of El Dorado.

[Approved February 28, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Sheriff, County Clerk, County Recorder, ^{Salaries.} County Treasurer, County Judge, and District Attorney of the County of El Dorado, from and after the first Monday in March, one thousand eight hundred and sixty-eight, shall receive for all services required of them by law, or for duties imposed upon them by virtue of their respective offices, a salary at the rate per annum respectively as hereinafter provided.

Sec. 2. The Sheriff shall receive for all services required of ^{Sheriff.} him [by] law in his said office a salary at the rate per annum of three thousand dollars, and such necessary mileage as is now allowed by law; and also for the transportation of insane persons to Stockton, not exceeding fifty dollars for one person, and where more than one person is transported by him at the same time, an amount not exceeding seventy-five dollars, which shall be in full for such transportation and mileage; *provided*, that for any service rendered the State he shall receive the payment provided for such service from the State for his own proper use in full compensation for such service and expenses incurred in the performance of such service.

Sec. 3. The Sheriff shall be allowed the following assistants, ^{Assistants.} to be paid by the county: One Under Sheriff, and one deputy, at the rate of one hundred and twenty-five dollars per month each; one keeper of the jail, at the rate of seventy-five dollars per month. Any other deputies that may be required for the performance of the duties of the office of Sheriff shall be paid by the Sheriff from his salary.

Sec. 4. The County Clerk, for all services required of him in ^{County Clerk and Deputy.} his office or by virtue of his office, shall receive a salary at the rate per annum of twenty-four hundred dollars, which shall be in full for all services required of him by law; and all fees, percentage, or compensation, other than the salary provided in this section, for any service rendered the State or county, as provided by law for such service, shall be by him paid into and for the use and benefit of the County Treasury. The County Clerk shall be allowed one deputy, to be paid by the county, at the rate of one hundred and twenty-five dollars per month.

Sec. 5. The County Recorder, for all services required of ^{Recorder and Deputy.} him in his office or by virtue of his office as County Recorder, or ex officio as County Auditor, shall receive a salary at the rate per annum of twenty-four hundred dollars, which salary shall be in full compensation for all such services rendered; *provided*, that all fees, percentage, or compensation, other than the salary in this section provided, which is now or may hereafter be allowed him by law, including foreign miner's license and poll tax, shall be by him paid into and for the use and benefit of the

School Fund. County School Fund. He shall be allowed one deputy, to be paid by the county, at the rate of one hundred and twenty-five dollars per month.

Treasurer. SEC. 6. The County Treasurer, for all services required of him by law, or by virtue of his office, shall receive a salary at the rate per annum of twenty-four hundred dollars; *provided*, that all fees, percentage, or compensation, other than the salary in this section provided, for any service rendered the State or county, as now by law provided for such services, shall be by him paid into and for the use and benefit of the County Treasury.

County Judge. SEC. 7. The County Judge, for all services required of him by law or by virtue of his office, shall receive a salary at the rate per annum of twenty-four hundred dollars.

District Attorney. SEC. 8. The District Attorney, for all services required of him by law or by virtue of his office, shall receive a salary at the rate per annum of one thousand dollars, besides the fees and percentage now allowed him by law.

SEC. 9. All Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed so far as they relate to the said several offices herein named for the County of El Dorado.

Act and sections, when in force. SEC. 10. This Act shall take effect and be in force from and after the first Monday in March, one thousand eight hundred and sixty-eight; *provided*, that section three of this Act, so far as the number of assistants are concerned, shall take effect and be in force from and after the first Monday in March, one thousand eight hundred and sixty-six; and be it further *provided*, that section seven of this Act shall take effect and be in force from and after the first day of January, one thousand eight hundred and sixty-eight.

CHAP. CXLVI.—*An Act to legalize the sale of certain real estate, made by the California Bible Society, in the City and County of San Francisco.*

[Approved February 28, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Sale legalized. SECTION 1. The sale and conveyance of the following described land, made on the seventeenth day of October, A. D. eighteen hundred and sixty-three, by the California Bible Society, a society duly incorporated under the laws of the State of California, to Chilion Beach, said land being known and described as subdivision Number Twenty-Eight, in block Number One Hundred and Seven, in the City and County of San Francisco, is hereby legalized and confirmed.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CXLVII.—*An Act to consolidate certain offices in the County of Shasta.*

[Approved February 28, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The offices of County Clerk, County Recorder, ^{offices} ~~and~~ ^{united} County Auditor, in the County of Shasta, are hereby united, and the County Clerk of said county shall be and is hereby made ex officio County Recorder and County Auditor.

Sec. 2. Upon the qualification of the County Clerk to perform the duties of his office, and at the expiration of the term of the incumbent of the office of the County Recorder, at the time when this Act shall take effect, said Recorder shall deliver on demand to the County Clerk, all papers, books, seals, and other property belonging to the office of County Recorder and County Auditor; and all duties and liabilities heretofore imposed by law upon said Recorder and Auditor shall attach to the office of County Clerk; and said Clerk shall give such additional bonds ^{County Clerk and Recorder} ~~Bonds.~~ for the faithful performance of his duties as Recorder and Auditor as the Board of Supervisors may require; *provided*, such bonds shall not exceed the amount now required to be given by Clerk and Auditor collectively.

Sec. 3. The County Clerk shall receive as compensation for ^{pay.} all services required of him by law, either in the performance of his duties as Clerk or any of his ex officio offices, in lieu of the fees or perquisites now allowed by law to said offices, the salary or annual sum of three thousand dollars, to be paid in quarterly instalments of seven hundred and fifty dollars each, from the County Treasury, in the manner hereinafter provided.

Sec. 4. The County Clerk shall collect all fees or perquisites allowed by law for the performance of his duties as Clerk or any of his ex officio offices except those fees which are paid by the county, and he shall keep a true and accurate account of the same as provided in this Act. He shall procure a suitable book with index, which shall be known as the County Clerk's Fee Book. He shall enter in said book a full and accurate account of all fees and perquisites received from any and all sources whatsoever. He shall keep said book in such a manner as will show the amount of fees or perquisites received in each department of his office separate, and for what and by whom paid. He shall, on the first Monday in each month, render to the County Treasurer, under oath, an account of the aggregate of all fees received by him during the last preceding month, at the same time paying the same over to the Treasurer, who shall place the same to the credit of a fund to be designated and known as the County Clerk's Salary Fund, and shall pay the same out on all warrants drawn in favor of said Clerk for his salary. Said fee book shall at all times during office hours be open to the inspection and examination of any citizen of said county.

Examination of fee book. SEC. 5. It is hereby made the duty of the Board of Supervisors at each of their regular quarterly sessions, to examine the County Clerk's Fee Book, and if they find it corresponds with the amount credited to the County Clerk's Salary Fund, upon the Treasurer's books, then it shall be their duty to cause to be issued to the County Clerk a warrant or warrants upon said fund for such amount, not exceeding the quarterly instalments of seven hundred and fifty dollars, as may be and appear upon the books of the County Treasurer to the credit of said Salary Fund at each of the aforesaid quarterly sessions of the Board; and, if, at the May term of the Board of Supervisors of said county in the year one thousand eight hundred and sixty-nine, and at the May term of said Board every year thereafter, the amount appearing to the credit of said Salary Fund shall be insufficient to liquidate the whole annual salary of three thousand dollars, then the Board of Supervisors shall, at the same time, cause to be issued to said Clerk an additional warrant or warrants upon the General Fund of said county for such residue or deficiency, and such warrants shall be paid from the General Fund of the county in the same order and with the same interest thereon from the date of presentation as other county indebtedness is now or may hereafter be paid; but should it appear after settlement with the Clerk and payment of the residue of his annual salary, that there is still money remaining in the County Clerk's Salary Fund, the Board of Supervisors shall transfer the same to the County General Fund.

Transfers. SEC. 6. It is hereby made the duty of the Clerk of the Board of Supervisors to deliver to the District Attorney, with the county seal attached, a copy or list of all bills approved by said Board for which warrants have been issued, such list to specify the amount of each such bill separately, and the name of the person to whom such amount is due; and the District Attorney shall, when any warrant is presented to him for indorsement, examine said Clerk's list, and if he find the name of the person in the list and the amount due him to correspond with the name in the warrant, and the amount of such warrant, then he shall countersign such warrant as prescribed by law, and not until then.

Warrants. SEC. 7. All Acts or parts of Acts in conflict with the provisions of this Act, so far as they apply to the County of Shasta, are hereby repealed.

Duty of District Attorney. SEC. 8. This Act shall take effect from and after the first Monday in March, one thousand eight hundred and sixty-eight.

CHAP. CXLVIII.—*An Act to fix the fees and mileage of Jurors in and for the District Court, County Court, and Grand Jury in Placer County.*

[Approved February 28, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jurors in and for the District Court, County ^{Fees and mileage.} Court, and Grand Jury in the County of Placer, shall receive for each day, actual attendance, three dollars; and for each mile necessarily and actually travelled from their place of residence to the Court House of said county, thirty cents; provided, they shall be paid mileage for one way only; and, provided, that mileage only shall be allowed to jurors who on appearing are from any cause excused from serving; and, provided, further, that jurors residing within one mile of said Court House shall not be entitled to mileage under the provisions of this Act. The fees and mileage provided for in this Act shall be paid out of the General Fund of Placer County in the same manner that jurors' fees are now allowed and paid from said fund.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CXLIX.—*An Act to provide for the boarding of the Prisoners in the County Jail of Butte County, and for furnishing supplies for the County Infirmary of said county.*

[Approved February 28, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of said county shall, at ^{Bids and award.} their next meeting after the passage of this Act, give at least ten days notice that they will receive bids for supplying the prisoners confined in the County Jail of said county with food, and also furnishing supplies to the County Infirmary of said county; and shall award the supplying of food to said prisoners, and the furnishing of supplies for said County Infirmary, to the lowest responsible bidders.

SEC. 2. It shall be the duty of the jailor of said county to ^{Jailor's duty} receive at the Jail door the food furnished by the person to whom the contract of furnishing said food, as provided in section one of this Act, has been awarded by the Board of Supervisors of said county, and to distribute the same to prisoners confined in the Jail of said county.

SEC. 3. This Act shall not interfere in any way with any contract now existing for supplying the County Infirmary of said county with provisions or other supplies.

CHAP. CL.—An Act to authorize Mart T. Smith to construct and maintain a Wharf at Punta Arenas, in the County of Mendocino.

[Approved February 28, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise. SECTION 1. The right to build, maintain, and use a wharf in the bay or main ocean at Punta Arenas, in the County of Mendocino, is hereby granted to Mart T. Smith, his associates and assigns, for the term of twenty years.

Land granted. SEC. 2. For the purpose of said wharf, there is hereby granted to the said Smith, his associates and assigns, the right to use and occupy a strip of land two hundred feet wide, commencing at high tide, and extending into the bay or ocean until a sufficient depth shall be obtained for the accommodation of commerce; *provided*, said wharf shall not in any manner obstruct the navigation of the bay.

Completion of work. SEC. 3. The said Smith, his associates and assigns, shall commence the construction of said wharf within one year and complete the same within two years from the passage of this Act. Said wharf shall be firmly and substantially built, of such material and of such dimensions as to make it sufficient for the requirements of the commerce of the vicinity.

Wharfage. SEC. 4. The Board of Supervisors of Mendocino County shall from time to time fix the rates of wharfage to be collected at said wharf, and the said Smith, his associates and assigns, may charge and collect such wharfage as shall be fixed by said Board, not less than twenty per cent per annum on cost of said wharf construction.

Commencement of work. SEC. 5. If said wharf shall not be commenced within one and finished within two years from the passage of this Act, all the rights herein granted shall be forfeited.

Bond. SEC. 6. The grantee named in this Act shall within ninety (90) days after its passage file with the County Clerk of the County of Mendocino a bond, to be approved by the County Judge, in the sum of two thousand dollars, for the commencement and completion of the wharf as provided within the time named.

CHAP. CLI.—An Act to amend an Act entitled an Act in relation to the county officers of the County of Sierra, approved May seventeenth, eighteen hundred and sixty-one, and the Acts amendatory thereof.

[Approved February 28, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of said Act is amended so as to read as follows:

Section 7. The County Auditor of Sierra County shall receive Auditor. a salary of fifteen hundred dollars per annum, to be audited by the County Judge. The County Superintendent of Schools of Superintendent Schools. said county shall receive for all services required of him by law, a salary of four hundred dollars per annum. The Board of Super- Supervisors. visors of said county shall each receive a salary of eight dollars per day, not to exceed five hundred dollars per annum, for all services rendered to the county by them. The Auditor is hereby authorized and required to audit their account and draw his warrant for actual services rendered only. The District Attorney shall receive for his services a salary of twelve hundred dollars per annum, in addition to the fees allowed for the collection of delinquent taxes. District Attorney.

SEC. 2. Section eight of said Act is amended so as to read as follows:

Section 8. The Sheriff shall be allowed one assistant, to be Sheriff's assistants. paid by the county at the rate of one hundred and fifty dollars per month, who shall be Under Sheriff and Jail Keeper. The Board of Supervisors may authorize the Sheriff to employ special deputies whenever in their judgment it shall be necessary; provided, however, the pay of said special deputies shall not exceed in the aggregate one thousand dollars per annum.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after the first Monday in March, eighteen hundred and sixty-six.

CHAP. CLII.—*An Act to grant the right to construct a Bridge across the Albion River, near its mouth.*

[Approved February 28, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A. W. Macpherson and such persons as he may Franchise. associate with him are hereby authorized to construct and maintain a public toll bridge across the Albion River near its mouth, and near where the present ferry crosses said river in Mendocino County, and shall have and they are hereby granted the right of way across said river, with all the privileges, rights of way, franchises, and immunities hereinafter mentioned.

SEC. 2. The said A. W. Macpherson, his associates and Rights. assigns, shall have full power to build, construct, and maintain a public toll bridge across the Albion River, the same being a navigable stream in Mendocino County, at any point within one mile of the mouth of said river, and have and enjoy all the rights, and privileges, and immunities thereunto appertaining, and shall have the right of way across said river, and the privilege of using the same for the purpose aforesaid at the point aforesaid, which is hereby granted and ceded to the said A. W. Macpherson and his assigns for the term of twenty years; pro-

Completion
of work.

vided, that within one year from the passage of this Act the said A. W. Macpherson or his assigns shall have commenced the said bridge; and if said bridge be not completed within two years from the date of the approval of this Act, the rights and privileges hereby granted shall be forfeited. The said party and his assigns shall at all times after the completion of the bridge aforesaid keep the same in good order and condition, and shall be responsible for all damages to person or property crossing the same caused by neglect to keep the same in proper repair. Said bridge shall be built in a substantial manner, and of durable materials, and shall have a draw or opening of sufficient width to admit any vessel that may wish to pass the same. And said grantee and his assigns shall at all times keep said draw or opening in good order and condition, and allow any vessel or boat to pass at any time they may wish.

Drew.

SEC. 3. Said party and assigns, upon the completion of said bridge, shall be authorized and empowered to charge and collect such tolls as the Board of Supervisors of Mendocino County shall fix; *provided*, the Legislature may at all times regulate, change, or modify the rates so fixed by the said Board of Supervisors.

Name.

SEC. 4. The said party and assigns are hereby authorized to assume the name of the "Albion River Bridge Company."

Regulations.

SEC. 5. The said party and assigns may regulate and determine the speed of travel, riding, or driving upon said bridge, and may require the speed not to be faster than a walk. Notice of said regulation, together with the rates of tolls, shall be kept posted up upon some conspicuous place upon said bridge; and for each violation of said regulation, the party offending, if prosecuted in any Court of competent jurisdiction, shall be fined in any sum not less than ten nor more than fifty dollars, and in addition shall be liable to said party and his assigns for all actual damages sustained by reason of said violation.

Same.

SEC. 6. The said party and his assigns may regulate and determine the number of animals in the train, number of wagons, amount of freight, and number of stock cattle that may pass over said bridge at any one time, which regulation shall be affixed to the rate of toll in some conspicuous place as aforesaid; and the said party and his assigns shall not be liable for any damages resulting to persons or property from a violation of this regulation.

Bond.

SEC. 7. The said party and his assigns shall, from time to time, as said Board of Supervisors shall require, execute to the people of the State of California, for the benefit of any person or persons injured, a bond, with such sureties and in such an amount as said Board of Supervisors may deem proper, for the faithful performance of the duties required of said party and his assigns by this Act.

License.

SEC. 8. The Board of Supervisors of Mendocino County shall fix and regulate the amount of license to be paid on said toll bridge each year; *provided*, said license shall not exceed fifty dollars in any one year.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAP. CLIII.—An Act to amend an Act entitled an Act to amend an Act prescribing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one, approved March twenty-one, eighteen hundred and sixty-four.

[Approved February 28, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act, approved March twenty-one, eighteen hundred and sixty-four, is hereby amended so as to read as follows:

Section 1. Section one of an Act entitled an Act prescribing ^{Amendment} rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one, is hereby amended so as to read as follows:

Section 1. The State Library shall be under the direction ^{Trustees.} and control of a Board of Trustees, to consist of five members, as herein provided. The Attorney-General shall be ex officio a member of the Board. Joseph W. Winans, H. W. Harkness, C. G. W. French, and W. C. Belcher are hereby appointed members of the Board. They shall hold their offices for the term of four years, and until their successors are appointed and qualified. On or before the expiration of their term of office, the Legislature shall on joint ballot elect their successors.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CLIV.—An Act to amend an Act entitled an Act to provide for the erection of a Jail in the County of Tuolumne, approved February third, A. D. eighteen hundred and sixty-six.

[Approved March 1, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is hereby amended so as to read as follows:

Section 4. Said Board of Supervisors shall award the contract ^{Award of contract.} to the lowest responsible bidder, who shall give a good and sufficient bond, in such sum as said Board may require, conditioned for the faithful performance of said contract; *provided*, that the cost of building said Jail shall not exceed the sum of fifteen thousand dollars, and no contract shall be awarded for a greater amount; but this section shall not be so construed as to compel said Board of Supervisors to accept any bid, proposal, or offer which in the judgment of a majority of said Board is higher than a just and fair compensation for furnishing material and constructing said County Jail.

SEC. 2. All Acts or parts of Acts conflicting with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CLV.—*An Act to authorize the issue of bonds by the County of Santa Clara to erect county buildings, and to confirm the purchase of the site selected therefor.*

[Approved March 1, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Issue of bonds.

SECTION 1. The Board of Supervisors of the County of Santa Clara are hereby authorized and empowered to issue, on behalf of said county, bonds not exceeding in the aggregate the sum of one hundred and thirty thousand dollars, for the purpose of erecting a County Court House and Jail for said county, such bonds to bear interest at a rate not exceeding twelve per cent per annum, and of the denomination of five hundred dollars each, with coupons for interest attached, and shall be made payable on or before the first day of January, A. D. eighteen hundred and eighty, at the office of the Treasurer of said county, and the interest thereon shall be payable by said Treasurer semi-annually, at his said office, on the first day of July and January of each year, on presentation of the respective coupons therefor. Every bond so issued shall be signed by the President of the Board of Supervisors and by the County Clerk of said county, and shall be authenticated by the seal of said county, and shall purport that said county owes to the holder thereof the sum of five hundred dollars in gold coin, payable and bearing interest as aforesaid; and the principal and interest of said bonds shall be payable in gold coin of the United States.

Interest.

Gold coin.

Levy of tax.

Payment.

Coupons.

SEC. 2. The Board of Supervisors of the County of Santa Clara are hereby authorized and empowered to levy annually, at the time and in the manner provided by the general revenue laws of this State, for general county purposes, a tax not exceeding one hundred cents on each one hundred dollars of the assessed valuation of the property in said county; and the County Treasurer of said county is hereby required to set apart, out of said General Fund so raised as aforesaid, each and every year, until all of said bonds shall be fully paid, an amount of money sufficient to pay the interest which shall accrue thereon, and also an amount sufficient to liquidate and pay each and every year, until all of said bonds shall be paid, ten thousand dollars thereof; and the money so set apart shall be designated as the County Building Fund, and shall not be used for any purpose other than that above mentioned; *provided*, however, that the aggregate amount of tax levied by said Board of Supervisors for general county purposes shall not exceed in any one year the amount by this Act authorized to be levied.

SEC. 3. There shall be attached to said bonds coupons for interest, which coupons shall be signed by the President of the Board of Supervisors and by the County Clerk, and when any

interest shall be paid upon any of the bonds issued in pursuance of the provisions of this Act, the coupons due and paid shall be delivered to the County Treasurer, who shall write the word "cancelled" across the face thereof, and deliver the same to the County Auditor of said county, taking his receipt therefor; and the said Auditor shall then mark "paid" on the duplicate register of bonds in his office the coupons so delivered to him by said Treasurer; and when any of said bonds shall be redeemed by said Treasurer, they shall also be delivered to said Auditor, who shall receipt to the Treasurer for the same, and the same shall be marked "paid" upon the copies of said register in the office of said Auditor and Treasurer, with a memorandum of the amount paid for the redemption thereof; and when any bonds or coupons shall be paid or redeemed, the said Auditor shall report the same to said Board of Supervisors at their next meeting thereafter.

SEC. 4. The bonds hereby authorized shall be issued from time to time, as the same may be required to pay for the materials used in and work performed on the said Court House and Jail; and neither the said bonds nor any moneys that may be realized from the sale thereof, shall be applied to any other purpose. The Clerk of the Board of Supervisors shall keep a register, showing the date and number of every bond issued, the number of each coupon, when each bond and coupon is payable, and to whom issued, and when any of such bonds shall be sold, the amount realized from the sale thereof, with the name of the purchaser. It shall be the duty of said Clerk to make and certify two copies of said register, one of which shall be delivered to the Auditor, and one to the Treasurer of said county, and the same shall be kept by them in their respective offices.

SEC. 5. The bonds or any part thereof hereby authorized to be issued may be sold under the direction of the said Board of Supervisors to the person or persons who will pay the highest price therefor; *provided*, that the same shall not be sold for less than par, and the purchasers whose bids shall be accepted shall pay into the County Treasury the amount bid by them, and the Treasurer shall receipt for the same, and such purchasers shall, upon the delivery of such receipt to the Clerk of said Supervisors, be entitled to receive the bonds purchased by them. The said receipts to be copied into the said register and the copies thereof hereby required to be made.

SEC. 6. The said County Treasurer shall give public notice, by advertisement in some newspaper printed and published in said County of Santa Clara, for at least two weeks before the first day of January, eighteen hundred and sixty-seven, and each and every year thereafter, until all of said bonds shall be paid, that he will redeem ten thousand dollars of said bonds on the first day of January next ensuing, and shall invite proposals for the redemption of said amount of bonds. The Treasurer shall open the sealed proposals at the time and place specified in the notice required to be published as aforesaid, in the presence of the President of the Board of Supervisors of said county, and such other persons as may choose to be present, and shall accept only

*Application
of purchase
money.*

such bids as shall cancel the greatest amount of said bonds; *provided*, that no bonds shall be redeemed at a greater rate than one hundred cents on the dollar; and in the event that no offer shall be made to redeem said bonds between the date of the first publication of said notice and the day appointed for opening proposals therefor, it shall be the duty of said Treasurer to give notice, by advertisement in some newspaper printed in said county, that he is prepared to redeem certain of said bonds, which he shall designate in said notice by the number of the bonds and the dates of the issuance thereof, which said notice shall be published not less than ten days. And the interest shall cease on such bonds so advertised from and after the expiration of ten days from the first publication of said notice. And all bonds, when paid by the said Treasurer, shall be marked by him "cancelled."

Purchase of site confirmed.

SEC. 7. The purchase made by the Board of Supervisors of the County of Santa Clara of a site for a Court House and Jail, which site was conveyed to said county by William H. Hall, by deed dated November twenty-second, eighteen hundred and sixty-five, is hereby ratified and confirmed, and said purchase declared legal and valid.

SEC. 8. This Act shall take effect from and after its approval.

CHAP. CLVI.—*An Act to establish a paid Fire Department for the City and County of San Francisco.*

[Approved March 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fire Commissioners.

SECTION 1. There shall be a Board of Fire Commissioners of the City and County of San Francisco, consisting of five (5) persons of good character and standing, citizens of the United States, and who shall have been residents of said city and county for at least two years previous to their appointment or election as such Commissioners; and said Board of Fire Commissioners shall be constituted as follows: At the general election for the city and county officers to be held in said city and county in the year one thousand eight hundred and sixty-six, two of said Commissioners shall be elected by the people at the first meeting of the Board of Supervisors of said city and county after said election, or as soon thereafter as practicable. Said Board of Supervisors shall appoint one other Commissioner; and within thirty days thereafter the other two of said Commissioners shall be appointed by the association known as the Board of Fire Underwriters of the City and County of San Francisco; and as soon as all said Commissioners have been appointed they shall draw for the term of their respective offices, viz: One for the term of five (5) years; one for the term of four (4) years; one for the term of three (3) years; one for the term of two (2) years; one for the term of one (1) year; and annually thereafter

Term of office.

there shall be appointed or elected as the case may be, in the same manner as the person retiring may have been elected or appointed one person of like character to fill such vacancy, to serve for the term of five years.

SEC. 2. In the event of a refusal or neglect to perform the ~~vacancy~~ duties of their office on the part of any one or more of said Commissioners, or in the event of a vacancy occurring from any cause, the said Board of Supervisors, being duly certified thereof by any one of the said Commissioners, shall declare the office of such Commissioner vacant; and if such vacancy shall be in the office of the Commissioner appointed by the Board of Supervisors, or in the office of the Commissioner elected by the people, said Board of Supervisors shall fill such vacancy at its first session, or as soon thereafter as practicable; or if such vacancy shall be in the office of a Commissioner appointed by said Board of Fire Underwriters, said Board of Supervisors shall forthwith require said Board of Fire Underwriters to fill such vacancy, the new appointee in either case to hold office until the period for the annual re-election or re-appointment as provided in the first section of this Act.

SEC. 3. The said Fire Commissioners shall appoint a Clerk, who by virtue of his office shall be a member of the Fire Department constituted by this Act, and who shall receive a salary of one hundred dollars (\$100) per month, but shall not be entitled to any other pay under the provisions of this Act. Said Clerk shall also perform the duties of a clerk to the Chief Engineer. And the said Fire Commissioners shall be authorized to fit up an office for their use, which shall be centrally located, the cost of which, together with the rents and necessary stationery, shall be paid by the city and county. And said Fire Commissioners, upon their organization, shall immediately have full power, by the vote and concurrence of a majority thereof, subject to the approval of the Board of Supervisors, to take all the necessary steps and proceedings to prepare the Fire Department constituted by this Act, to go into active operation on the first day of July, one thousand eight hundred and sixty-six, (1866.)

SEC. 4. The Fire Department of the City and County of San Francisco shall, when organized under this Act, consist of a Chief Engineer, two Assistant Engineers, one Corporation Yard-keeper, six (6) Steam Fire Engine Companies—to consist each of one Foreman, one Engineer, one driver, one fireman, and eight (8) extra men; two Hook and Ladder Companies—to consist each of one Foreman, one driver, one tillerman, and twelve (12) extra men; and three (3) Hose Companies—to consist each of one Foreman, one driver, one steward, and six (6) extra men. Each steam fire engine company shall have one steam fire engine, one hose reel, with one thousand (1,000) feet of hose, and not more than four (4) horses. Each hook and ladder company shall have one truck with hooks and ladders, and necessary appurtenances, and two horses. Each hose company to have one hose reel with one thousand (1,000) feet of hose, and one horse. But the said Board of Supervisors shall have power to increase or diminish the number of fire companies as the public safety of the city and county may require, and to purchase the necessary steam engines and apparatus therefor, and to organize

Commissioners' Clerks.

What Fire Department shall consist of.

Officers.

such volunteer companies for outside districts of said city and county as they may see fit; *provided*, such volunteer companies shall be subject to the provisions of this Act; but none of the members thereof, except the steward for each of such volunteer companies, shall receive any salary.

SEC. 5. The Chief Engineer and two Assistant Engineers shall be appointed by the Fire Commissioners at least thirty days before the first day of July, one thousand eight hundred and sixty-six, (1866,) whose term of office shall be for a term of two years from the first day of July, one thousand eight hundred and sixty-six, (1866,) and who shall be appointed every two years thereafter, their appointment and removal to be confirmed by the Board of Supervisors. The subordinate officers and extra men shall be appointed by the Fire Commissioners; and in case of misbehavior or neglect of duty on the part of any officer or extra man, of the Fire Department, the said Commissioners shall have power to remove such officer or extra man under such regulations as the Board of Supervisors may prescribe.

Salaries.

SEC. 6. The salaries of the officers and men comprising the said Fire Department shall not exceed the following sums, payable monthly: to the Chief Engineer, two hundred and fifty dollars (\$250) per month; to each Assistant Engineer, one hundred dollars (\$100) per month; to each foreman, thirty dollars (\$30) per month; to each engineman, eighty dollars (\$80) per month; to each driver, sixty dollars (\$60) per month; to each fireman, fifty dollars (\$50) per month; to each tillerman, fifty dollars (\$50) per month; to each steward, fifty dollars (\$50) per month; to each extra man, twenty dollars (\$20) per month; to the corporation yardkeeper, fifty dollars (\$50) per month. All the paid members of the Fire Department except the foreman and extra men shall give their undivided attention to their respective duties. The foreman and extra men shall perform such duties as may be prescribed from time to time by the Board of Fire Commissioners.

Board of Supervisors to make rules.

SEC. 7. The Board of Supervisors of the City and County of San Francisco shall have full power to pass all ordinances, and said Fire Commissioners to adopt rules and regulations, for the government, management, control, and discipline of the said Fire Department, as they shall deem expedient for the best interests thereof, and to prescribe the duties of the officers and members thereof; and said Board of Supervisors shall have power to locate all cisterns, hydrants, and engine houses hereafter to be purchased; *provided*, such ordinances, rules, and regulations are not inconsistent with the laws of the State of California, and that such rules and regulations shall be approved by the Board of Supervisors. If the members of the present Fire Department fail, neglect, or refuse to perform their duties in every respect after the passage of this Act, and until the organization of the paid department as in this Act provided, the Board of Supervisors are empowered to take possession of all engines, hose, hooks and ladders, and other appurtenances belonging to said department, and to pass such ordinances as may be necessary for the protection of property until the

organization of the Fire Department provided for under this Act.

SEC. 8. The said Board of Supervisors are hereby authorized to appropriate, allow, and order paid out of the General Fund, not to exceed the sum of thirty-five thousand dollars, (\$35,000,) for the purchase of steam fire engines, horses, harness, and all the apparatus for the establishment of a paid Fire Department, as in this Act provided, and the necessary alterations and additions to such engine houses as shall be retained; and said Board of Supervisors are hereby further authorized to appropriate, allow, and order paid out of the General Fund, from time to time, a sum not to exceed fifty-five thousand dollars, (\$55,000,) for salaries, and twenty-two thousand dollars (\$22,000) for running expenses, horse feed, repairs to apparatus, and other expenses of said Fire Department.

SEC. 9. The Mayor of said city and county is hereby authorized to sell at private or public sale, from time to time, with the approval of the Board of Supervisors, any or all of the engines, hose carriages, engine houses, lots on which such houses stand, or other property which shall not be required for the use of the department, and to execute, acknowledge, and deliver good and sufficient deeds or bills of sale for the same, paying the proceeds of such sales into the General Fund of said city and county, such proceeds to be appropriated to the purchase of lots and erection of engine houses thereon, as the same may be required.

SEC. 10. The only engines which shall be purchased by the city and used by the Fire Department shall be steam fire engines, of the best pattern and manufacture; *provided*, that the hand fire engines now in possession of the city shall be used in such manner and under such regulations as the Board of Commissioners, with the approval of the Board of Supervisors, shall direct until such steam fire engines shall have been purchased to the number of six.

SEC. 11. Any person who may have been an active fireman in the Fire Department of said city and county for three years and six months immediately preceding the time when this Act shall take effect, shall be entitled to enjoy all the privileges and immunities now enjoyed by exempt firemen in said city and county, under the existing laws of this State. Any such person shall, upon application and proper proof of such service, receive a certificate to that effect from the person or persons now issuing such certificates, and in the same form as exempt firemen in said city and county are now entitled to receive such certificate.

SEC. 12. An Act to regulate the Fire Department of the City and County of San Francisco, approved March twenty-fifth, eighteen hundred and fifty-seven, (1857,) and all Acts supplementary or amendatory thereof, also all other laws and parts of laws so far as they conflict with the provisions of this Act, shall stand repealed on the first day of July, eighteen hundred and sixty-six; *provided*, the Chief and Assistant Engineers and Secretary of the existing Fire Department of said city and county shall be allowed their respective salaries as now provided by law during the term of office for which the said Chief Engineer was last elected, on the following conditions: that they and

Appropriations for expenses.

Sale of Fire Department property.

Exempt firemen.

Salaries of present officers to continue.

each of them render such aid and services, and none others, as may be required of them by the Board of Supervisors in protecting the property of the Fire Department of said city and county, and in establishing and carrying into effect the provisions of this Act.

SEC. 13. This Act shall take effect on and after its passage.

CHAP. CLVII.—*An Act to provide for the speedy completion of the State Capitol Building.*

[Approved March 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Levy of tax. SECTION 1. An annual ad valorem tax of five cents on each one hundred dollars value of the taxable property in the State is hereby levied and directed to be collected as other State taxes, and to be paid into the Capitol Fund, and to be used as other moneys of that fund.

Duration of Act. SEC. 2. This Act shall take effect on its passage, and remain in force until the Governor shall by proclamation declare that the State Capitol and surrounding grounds have been completed; and nothing in this Act shall alter or affect the provisions of any other Act in relation to the construction or providing means for constructing the State Capitol.

CHAP. CLVIII.—*An Act to appropriate money for contingent expenses of the Legislature.*

[Approved March 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation. SECTION 1. The sum of fifteen thousand dollars, (\$15,000,) is hereby appropriated, out of any money in the General Fund not otherwise appropriated, for the following purposes, viz: Six thousand dollars (\$6,000) for the payment of contingent expenses of the Senate, and nine thousand dollars (\$9,000) for the payment of contingent expenses of the Assembly, for the sixteenth session of the Legislature.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CLIX.—An Act to amend an Act to fix the compensation of officers, to provide for funding the floating debt of the County of Santa Barbara, and prohibit the contracting of any new indebtedness against said county, approved April fourth, eighteen hundred and sixty-four.

[Approved March 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Section 2. On or before the first day of July, A. D. eighteen hundred and sixty-six, the Board of Supervisors of said county shall cause bonds for said indebtedness to be prepared of the denomination of one hundred and five hundred dollars each. Every holder of county warrants legally issued or drawn in due form of law, or of indebtedness of the county which may have accrued prior to the first day of July, eighteen hundred and sixty-four, may present the same to the said Board of Supervisors within six months from and after the first day of July, eighteen hundred and sixty-six, in order that the same may be cancelled, and bonds to the amount of such warrants and indebtedness, with legal interest thereon, issued in lieu thereof to the holder. It shall be the duty of said Board of Supervisors to issue bonds for said warrants, said bonds to be styled "Bonds of Santa Barbara County," and shall be signed by the Chairman and Clerk of said Board of Supervisors, and countersigned by the Treasurer of said county, and shall have the seal of the Auditor of said county stamped thereon, and shall also have coupons attached for the interest, in such manner as to be removed without mutilating the bonds. The first coupon shall be for the interest accruing up to the first day of January, eighteen hundred and sixty-seven, and the others for one year's interest each thereafter, consecutively numbered, and signed in the same manner as the bonds.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CLX.—An Act for the relief of the Assessor and Collector of Placerville Township, El Dorado County.

[Approved March 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the County Treasurer of the County of El Dorado, State of California, be and is hereby authorized and required to pay A. J. Baber, Township Assessor and Collector of Placerville Township, County of El Dorado, for the years eighteen hundred sixty-four and eighteen hundred sixty-five,

Payment of percentage.

the sum of three hundred and fifty and fifty-five one hundredths dollars, in gold coin of the United States, it being said A. J. Baber's percentage upon the amount of taxes tendered to him as Tax Collector of Placerville Township for the year eighteen hundred sixty-five, and for which he has not received the commission allowed by law.

SEC. 2. This Act shall take effect immediately after its passage.

CHAP. CLXI.—*An Act to define and establish the boundaries of Mono County.*

[Approved March 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Boundaries. SECTION 1. The boundaries of Mono County shall be as follows, to wit: Commencing at a point where the eastern boundary line of the State of California is intersected by the dividing ridge which separates the waters of West Walker River from those which flow into East Carson River; thence southwesterly along said dividing ridge, and following the southern boundary of Alpine County, to the main summit of the Sierra Nevada Mountains; thence southerly along said summit to the northern boundary of Tulare County; thence easterly along said boundary of Tulare County to the State line; thence northerly along the State boundary line to the place of beginning.

SEC. 2. All Acts and parts of Acts so far as they conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CLXII.—*An Act to amend an Act entitled an Act amendatory of and supplementary to an Act for the preservation of Trout, approved March twenty-seventh, eighteen hundred and sixty-two.*

[Approved March 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of said Act is hereby amended so as to read as follows:

Section 1. It shall not be lawful for any person or persons to cast, draw, or make use of any seine or net, hook and line, or any other appliances, for the purpose of catching trout in any of the streams, rivers, or lakes in this State, except in the Counties of El Dorado, Placer, Nevada, Sierra, Plumas, and Tuolumne, Calaveras, Siskiyou, Humboldt, Klamath, Del Norte, Tehama,

Santa Cruz; and Colusa, during the time intervening between the twentieth of October of each year and the first day of April of the following year.

SEC. 2. Section second of said Act is hereby amended so as to read as follows:

Section 2. It shall not be lawful for any person or persons to catch or kill trout in any of the streams, lakes, or parts of lakes, or other waters lying within the boundaries of the Counties of El Dorado, Placer, Nevada, Sierra, Plumas, and Tuolumne, Calaveras, Siskiyou, Humboldt, Klamath, Del Norte, Tehama, and Colusa, in this State, with any seine or other net, or any spear, weir, fence, basket, trap, or other implement or appliance, except a hook and line, at any time between the months of February and July of each year; and it shall not be lawful for any person or persons to catch or kill trout in any of the streams, lakes, or parts of lakes, or other waters lying within the boundaries of the County of Santa Cruz, with any seine or other net, or any spear, weir, fence, basket, trap, or other implement or appliance, except a hook and line, at any time between the first day of January and the twentieth day of May in each year; and it shall not be lawful for any person or persons to catch or kill trout in any of the streams and lakes in the counties before mentioned by the use of any gill-net or set-net, or any poisonous, deleterious, or stupefying drug or other substance at any time.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CLXIII.—*An Act to legalize and to provide for the collection of delinquent taxes in the County of Stanislaus.*

[Approved March 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessment of taxes upon all property, real and personal, in the County of Stanislaus, whether for State or county purposes, for the fiscal year ending on the first day of July, eighteen hundred and sixty-three, and for the fiscal year ending on the first day of July, eighteen hundred and sixty-four, and for the fiscal year ending on the first day of July, eighteen hundred and sixty-five, and for the fiscal year ending on the first day of July, eighteen hundred and sixty-six, shall be and are hereby legalized and confirmed, and are rendered valid and binding, both in law and equity, against the persons and property assessed.

SEC. 2. In all cases wherein the property against which any tax or taxes has been or shall hereafter be levied or assessed in said county for any fiscal year is exclusively personal property, and the Tax Collector has failed or shall hereafter fail to collect

such tax or taxes, and the same shall remain unpaid for twenty days after the delinquent list has been filed with the District Attorney of the county, it shall be the duty of such District Attorney to commence a civil action, in the name of the people of the State of California, in any Court of competent jurisdiction within the county, against the person delinquent or party to whom such property shall have been assessed, whether such delinquent be a resident of the township, county, or State in which the Court is located or not, to recover the unpaid taxes in said county; and the question of jurisdiction in such case shall be determined by the amount of tax or taxes so unpaid; and the assessment roll and delinquent list shall be evidence as in other cases provided for by law in the collection of delinquent taxes.

Complaint. SEC. 3. The action shall be commenced by filing a complaint in the proper Court against such delinquent; and it shall be sufficient to set forth therein the kind or kinds of property assessed, the fiscal year or years in which the tax was assessed, the amount claimed to be due, and the relief prayed for.

Summons. SEC. 4. In any such action, now pending or hereafter to be commenced, before a Justice of the Peace, the Justice, at any time after the filing of the complaint and in addition to the process now provided by law, or in place thereof, may issue a summons directed to such delinquent, designating the matters set forth in the complaint; and in place of specifying the time at which the defendant shall answer, such summons shall require the defendant to answer the complaint within ten days after the service of summons, if it shall be served in the county where the suit is commenced, if served in an adjoining county twenty days, and in all other cases forty days; and when an answer or other pleading is filed by a defendant, the Court shall fix a time for hearing the case without unnecessary delay.

Service. SEC. 5. Service of such summons, whether issued by the District Court or a Justice's Court, may be made by publication of a copy of the summons once a week for eight successive weeks, in a newspaper published in the county, if one be published in such county; if not, then by posting at the Court House door of the county in which the action is commenced. The service of summons shall be complete at the expiration of the time of such publication.

Judgment. SEC. 6. In all such cases wherein judgment may be hereafter obtained in a Justice's Court of said county against a delinquent who is not a resident of the county, a transcript of such judgment shall be filed with the County Clerk, and thereafter such proceedings shall be had as upon judgment rendered in the District Court; and in all cases wherein a judgment has been heretofore rendered in any action in a Justice's Court of said county to recover any delinquent tax or taxes on property, no part of which was real property, and no personal service has been made, it shall be the duty of the District Attorney to give notice to such delinquents to show cause why they should not be bound by such judgment.

Notice. SEC. 7. Such notice shall be given by publication in a newspaper published in the county, if one be so published, if not, by publication in a newspaper published in an adjoining county,

for eight successive weeks, and shall require the defendant to appear, as in cases of summons in this Act provided, before the Justice's Court in which such judgment was rendered, or before the Justice having in charge the docket in which such judgment is entered. It shall be sufficient to specify in such notice the Court, the date of the judgment, the amount of the judgment, and the cause in which it was rendered; and any number of judgments may be included in the same notice. Service of such notice shall be complete at the expiration of the time of publication, and thereafter all such judgments shall be as valid and binding as though personal service of summons had been originally made.

SEC. 8. This Act shall take effect from and after its passage.

CHAP. CLXIV.—*An Act to authorize the establishing of a Steam Ferry between Vallejo and Mare Island, in the County of Solano.*

[Approved March 2, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The right to establish and maintain a steam ~~franchise~~ ferry across Napa Creek from Vallejo to Mare Island, in Solano County, is hereby granted to John Meguire, his associates and assigns, for the term of twenty years.

SEC. 2. The point or terminus of said ferry in the Town of ~~Terminus~~ Vallejo shall be opposite the works on Mare Island, and the point designated by the United States Navy Department or commanding officer at Mare Island shall be the terminus of said ferry on said Mare Island.

SEC. 3. The said parties herein named shall, within one year ~~ferry boats~~, from the passage of this Act, put a suitable steamboat on said ferry, and shall at all times keep said boat in good repair and of suitable size and character to accommodate all the travel that may wish to use said ferry, and shall also keep suitable wharves for the embarkation and disembarkation of passengers, vehicles, and freight.

SEC. 4. The number of trips to be made by said ferry each ~~day~~ ^{Trips and} ~~fare~~ days shall never be less than four on week days and two on Sundays, (a crossing from Vallejo to Mare Island and back considered one trip,) and the commutation price for the crossing of a single passenger who pays by the month shall never exceed three dollars a month; and those who pay by the single passage, the sum not to exceed twenty cents, for the first five years. The Board of Supervisors of Solano County shall from time to time thereafter regulate the number of trips to be made and toll to be charged on said ferry. The rates of toll shall at all times be posted upon the boat in a conspicuous place.

SEC. 5. That if the said parties herein named shall fail to ~~Forfeiture~~ comply with the true intent and meaning of this Act within the time specified herein, or in any other manner violate its

provisions, then all the rights granted by this Act shall become forfeited to the State.

SEC. 6. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 7. This Act shall take effect from and after its passage.

CHAP. CLXV.—*An Act entitled an Act to provide for changing the commencement of the term of office of the District Attorney for the County of Yuba.*

[Approved March 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Election. SECTION 1. The District Attorney for the County of Yuba elected at the last general election, and the District Attorneys for said county to be elected at any general election hereafter, shall hold their office for the term of two years from and after the first Monday of July subsequent to their election, and until their successors are elected and qualified; *provided*, that the present District Attorney for said county shall continue in office until the first Monday in July, one thousand eight hundred and sixty-six.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CLXVI.—*An Act to authorize the County Auditor of Fresno County to issue bonds to pay for constructing and furnishing a County Jail and Court House.*

[Approved March 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Bonds. SECTION 1. The County Auditor of the County of Fresno is hereby authorized, upon the order of the Board of Supervisors thereof, to issue the bonds of said county for any amount not exceeding twenty thousand dollars. Said bonds shall be signed by the County Auditor and countersigned by the County Treasurer of said county, shall be of the denomination of five hundred dollars each, shall bear interest at the rate of ten per cent per annum, and shall be payable in not less than one nor more than ten years.

SEC. 2. Said bonds when so issued shall only be used by the Board of Supervisors in paying for the construction and furnishing of a County Jail and Court House for said county.

SEC. 3. Said Board may order said bonds to be issued with coupons. coupons attached thereto, and the interest made payable thereon semi-annually at the office of the County Treasurer or such other place as they may designate; which coupons shall be duly numbered, and express thereon the amount of interest due each year, when and where payable, and shall be signed by the County Auditor and countersigned by the Treasurer in the same manner as the bonds are required to be signed.

SEC. 4. It shall be the duty of the Board of Supervisors to keep a record of the number, denomination, and amount of all bonds issued, showing the date of issue, to whom issued, and the number of each bond.

SEC. 5. The Board of Supervisors of the said County of Fresno shall at the first regular meeting of said Board after the passage of this Act advertise for and receive plans, specifications, and estimates for constructing a County Jail and Court House, and shall adopt such plans and specifications as may be deemed best for the county, reference being had to the probable expenses; and after adopting the plan and specification, said Board shall give notice by causing to be published in some newspaper published in the County of Mariposa, if there be one, if not, then in such newspaper as may be designated by the said Board, at least four successive weeks, a notice that sealed proposals will be received, at a place to be specified, for building a County Jail and Court House, according to the plans and specifications adopted.

SEC. 6. After four weeks notice, and at the time and place to be specified in the notice, said Board shall open all bids and proposals for building and completing the County Jail and Court House according to the plans and specifications, and within such reasonable time as may be fixed by said Board; and the contract shall be awarded to the lowest responsible bidder who will give sufficient security for the prompt and faithful performance of the contract; but such Board shall not accept any bid or proposal which in their judgment is higher than a fair and just compensation for the performance of the contract.

SEC. 7. Bonds for sixty per cent of the estimated value of the work done on said Jail and Court House may be drawn as the Jail and Court House progresses; at least forty per cent of the whole amount to be paid being reserved until the completion of the Jail and Court House, as additional security for the performance of the contract.

SEC. 8. For the purpose of paying the interest on the bonds authorized to be issued by this Act, and also to constitute a Sinking Fund for the gradual redemption of the same, it shall be the duty of the Board of Supervisors of said county to cause to be levied and collected a special tax on all real and personal property within the county, which shall not be less than thirty cents nor more than sixty cents on each one hundred dollars valuation of such real and personal property, to be called "The County Jail and Court House Bond Tax," such tax to be assessed and collected in gold or silver coin of the United States currency at the same time and in like manner as are assessed and collected State and county taxes for other purposes, and the

~~How applied.~~ amount of taxes so collected shall be applied only to the purpose of paying the interest and principal of the bonds authorized to be issued by this Act, until the same shall be fully paid.

Payment of advertisements. SEC. 9. All payments for notices and advertisements and other services made necessary by this Act shall be made by warrants drawn on the special Building Fund of said county; and said warrants shall be paid in the order of presentation to the County Treasurer.

Interest. SEC. 10. The interest on said bonds authorized to be issued by this Act shall be paid on the first Monday of July, A. D. one thousand eight hundred and sixty-six, and thereafter semi-annually on the first Monday of January and the first Monday of July of each year.

Moneys to be set apart. SEC. 11. The Treasurer of Fresno County shall, on the first Monday of July, A. D. one thousand eight hundred and sixty-six, after paying all warrants legally drawn on the special Building Fund of said county, set apart so much of said special Building Fund as may be necessary to pay the warrants that may be drawn on said fund for rents of Court House during the remainder of the year A. D. one thousand eight hundred and sixty-six, and the remainder of said special Building Fund, and all that may thereafter be collected from former assessments for said fund shall be transferred by said Treasurer to the County Jail and Court House Bond Fund, and shall be applied only to the purpose of paying the interest and principal of the bonds authorized to be issued by this Act.

Redemption of bonds. SEC. 12. On the first Monday of July, A. D. one thousand eight hundred and sixty-six, and on the first day of January of each year thereafter, when there shall be as much as five hundred dollars in the County Treasury collected by the provisions of this Act over and above the interest due on said bonds issued in accordance with this Act, on such first Monday of July, and on such first Mondays of January and July next thereafter, it shall be the duty of the County Treasurer of said county to advertise in some public newspaper published in said county, if not, then in some public newspaper published nearest to said county, once a week for the space of two weeks, stating the amount of surplus in the Sinking Fund, and inviting bids at such Treasurer's office on a given day, specifying the hours, for proposals to redeem bonds by this Act authorized to be issued. Such bidding shall be in public, and it shall be the duty of the Treasurer to accept such bids and in such amounts as will be the most advantageous to the county and redeem the largest amount of bonds; and said surplus shall be applied to the redemption of such bonds for which bids were accepted, and the same taken up and cancelled; but no bids shall be received at a higher rate of principal and interest.

Fees. SEC. 13. There shall be allowed the same percentage and no more for collecting and disbursing the special tax authorized by this Act as is allowed by law for collecting and disbursing State revenues for general purposes.

SEC. 14. This Act shall take effect from and after its passage.

CHAP. CLXVII.—An Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one.

[Approved March 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of the above entitled Act is hereby amended so as to read as follows:

Section 9. The Sheriff shall be allowed the following assistants, to be paid by the county: an Under Sheriff, to be paid at the rate of one hundred and fifty dollars per month; and one Keeper of the Jail, to be paid at the rate of seventy-five dollars per month. Any other deputies that may be required for the performance of the duties of the office of Sheriff shall be paid by the Sheriff from his salary herein provided; *provided*, he may summons one Constable, whose duty it shall be to attend the sittings of the District Court, and act as Deputy Sheriff, for which service the said Constable shall receive three dollars per day, to be paid by the county.

Sec. 2. An Act entitled an Act to amend an Act entitled an *Repeal.* Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one, approved February twenty-fifth, eighteen hundred and sixty-two, and all other Acts or parts of Acts in conflict with this Act, are hereby repealed.

Sec. 3. This Act shall take effect and be in force from and after the first Monday in March, eighteen hundred and sixty-six.

CHAP. CLXVIII.—An Act to legalize the assessment of taxes for the years A. D. eighteen hundred and sixty-five and eighteen hundred and sixty-six, for the County of Santa Barbara.

[Approved March 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessment of taxes upon all property, both real and personal, in the County of Santa Barbara, whether for State, county, or other purposes, for the fiscal year ending on the first day of March, A. D. one thousand eight hundred and sixty-six, is hereby legalized and confirmed, and rendered valid and binding, both in law and in equity, against the persons and property assessed.

Sec. 2. All acts of the Board of Supervisors, sitting as a Board of Equalization for said County of Santa Barbara, for the year A. D. one thousand eight hundred and sixty-five, are hereby legalized and confirmed, and are hereby rendered valid and binding, both in law and in equity, as regard their official acts

as said Board of Equalization for said years A. D. eighteen hundred and sixty-five and eighteen hundred and sixty-six.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CLXIX.—*An Act providing for the construction of a public road from a point on the Bloomfield and Petaluma road, in Sonoma County, to a point at the Beck School House, on the Tomales road, in Marin County.*

[Approved March 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Duties of Supervisors. SECTION 1. The Boards of Supervisors in and for the Counties of Sonoma and Marin are hereby authorized and empowered and it is made their duty to meet at their respective county seats on the first Monday in April, A. D. eighteen hundred and sixty-six, at which time and place they shall proceed to appoint three Viewers for each of said counties, to lay out and locate a route for a public road between the Bloomfield and Petaluma road and the Tomales Valley road. The said Boards of Supervisors shall at the same time cause a notice to be published in one or more papers printed in the said counties, calling upon all persons through whose land said route may be located to appear at the county seat of the county where the land is situated affected by such proposed road, on the first Monday of May, A. D. eighteen hundred and sixty-six, and make known their damage, if any, which they respectively claim by reason of the location and establishment of said road, or failing to do so, be considered as dedicating the land taken to public use.

Duties of Viewers. SEC. 2. It shall be the duty of the Viewers provided for in section one of this Act, upon being appointed, to proceed to lay out and locate the best route for a public road from a point on the Bloomfield and Petaluma road between the lands of William A. Smith and P. Henshaw, to the Beck School House, on the Tomales Valley road, and to report their proceedings in the premises to the Boards of Supervisors of their respective counties on the first Monday in May, A. D. eighteen hundred and sixty-six. The said report shall also embrace the expense of the Viewers in the performance of their duties, the width of the road laid out, which shall not be less than fifty feet, and the amount of damages which in their opinion will be sustained by any person or persons through whose land the said road is located. The said Viewers shall also, at the same time of laying out the road, inform the occupants and owners of the land through which the road is located that they may appear before the Boards of Supervisors of each of the counties aforementioned on the first Monday in May, A. D. eighteen hundred and sixty-six, and make application for such damages as they may claim by reason of the location of the road through their land.

Route. SEC. 3. It shall be the duty of the Boards of Supervisors of the said counties aforesaid to meet at the county seats of their

respective counties on the first Monday in May, A. D. eighteen hundred and sixty-six, upon the receipt of the report of the Viewers appointed in accordance with section one of this Act, to declare the route as located by the Viewers thereof a public road. The said Board of Supervisors at the same time shall, upon any person or persons making known his or their damages claimed by reason of said road being located through their land, consider the same and allow such damages as to them may seem just and proper.

SEC. 4. All persons who claim damages by reason of the location of the road aforesaid shall, on the first Monday in May, A. D. eighteen hundred and sixty-six, make application for the allowance of the same to the Boards of Supervisors of said counties aforesaid, and failing so to do, they shall be considered as waiving all rights to damages, and as dedicating the lands affected by the location of such road to the public use as a highway, and their failing so to do shall forever be a bar to any action for damages in any of the Courts of this State; *provided*, that if any owners of any portion of the land through which the road runs shall not have received the notice as provided in this Act, then he or they shall be allowed one month after the road is declared a public road in which to file his claim with the Clerk of the Board of Supervisors in his county, which shall be passed upon by the said Board at its first regular meeting thereafter.

SEC. 5. All expenses of viewing and laying out the road, together with all damages that are or may be allowed by the Boards of Supervisors of said Counties of Sonoma and Marin, shall be paid by the respective counties, out of the General Fund of said counties, before said highway is opened, in manner and form following, viz: As soon as the amount of damages to which any claimant is entitled shall have been determined, as in this Act provided, the Auditor of the county, on the order of the Board of Supervisors, shall draw his warrant on the County Treasurer of said county for the amount so found due, and deliver such warrant to the Sheriff of his county, who shall immediately, or as soon thereafter as sufficient funds are in the General Fund, draw said amount and immediately pay the same over to the claimant entitled thereto.

SEC. 6. This Act shall have full force and effect; and all Acts and parts of Acts in conflict with this Act are hereby repealed, as far as they interfere with the operation of this Act, and no further.

SEC. 7. This Act shall take effect immediately after its passage.

CHAP. CLXX.—An Act to regulate the meetings of the Board of Supervisors of Alpine County, and fix their compensation.

[Approved March 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Regular meetings. SECTION 1. The regular meetings of the Board of Supervisors of the County of Alpine shall be at the county seat of said county, on the first Monday of January, March, May, July, September, and November, of each year; and said Board shall not continue in session longer than six days during any regular term of said Board.

Special meetings. SEC. 2. Said Board shall also meet at such times as may be necessary, to levy the assessment of taxes, and as a Board of Equalization, or Canvassers of Election Returns, and at such special meetings as may be necessary to attend to special business, after giving personal notice of said special meeting of five days by the Clerk, by order of two members of said Board; and said meetings shall continue for only such time as may be necessary to complete said special business.

Pay. SEC. 3. Said Board of Supervisors shall receive as compensation the sum of six dollars per day while engaged in the business of said county as said Board, or Board of Equalization, or Board of Canvassers, and the sum of twenty-five cents per mile necessarily travelled in going to said county seat to attend said meetings of said Board, to be paid as other claims against the General Fund of said county are paid.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CLXXI.—An Act to change the name of H. H. Custer to H. H. Coster.

[Approved March 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Changes name. SECTION 1. The name of H. H. Custer is hereby changed to that of H. H. Coster.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CLXXII.—*An Act to change the name of Lucy Ada Ladd.*

[Approved March 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Lucy Ada Ladd is hereby changed <sup>Changes
name.</sup> to Sarah Stowell Smith.

CHAP. CLXXIII.—*An Act to amend an Act entitled an Act to provide for the establishment, maintenance, and protection of Public and Private Roads, approved May sixteenth, eighteen hundred and sixty-one.*

[Approved March 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is amended so as to read as follows:

Section 4. Any person or persons owning or claiming lands ^{Damages.} through or upon which it is proposed to locate and establish a public highway, and desiring to apply for damages in consequence of such location, shall make application by petition in writing to the Board of Supervisors, wherein they shall set forth the particular road referred to, the amount and character of the land affected thereby, and any other circumstances having relation to the subject of damages upon such land; *provided*, that the legal guardians of minors, and idiots, or insane persons, shall be authorized and required to take all the measures in the premises which may be necessary fully to protect their rights in the said application for damages; *provided*, the petition of the party or parties claiming damages shall be filed with the Clerk of the Board of Supervisors within ten days after the report of the Viewers shall have been made, as provided for in section five of this Act; and all persons who fail to make application for damages within the time and in the manner specified in this section shall be considered as waiving all rights to damages and as dedicating the lands affected by the proposed location or alteration to the public use as a highway, and their failure so to do shall forever be a bar to any action for damages in any of the Courts of this State.

Sec. 2. Section six of said Act is amended so as to read as follows:

Section 6. Upon the first day of the regular meeting of the ^{Location.} Board of Supervisors which shall be held after the expiration of the time within which persons owning or claiming land are entitled to apply for damages as provided in the fourth section of this Act, the Board of Supervisors shall proceed to consider all the matters touching the original petition for the location, alteration, or vacation of any road, and all subsequent proceed-

ings had therein in connection with the report of the Viewers on file, and such evidence as parties interested may introduce touching the same; and if in their opinion the public good and convenience require the proposed location, alteration, or vacation should be established, they shall confirm the report therein in whole or in part, as they may deem advisable, and establish said location or alteration, or as much thereof as they may deem advisable, as a public highway, either absolutely, in which case the damages assessed and the costs which have accrued shall be paid out of the Road Fund, and the Board of Supervisors shall order a warrant drawn accordingly; *provided*, the Board of Supervisors shall be authorized to pay the same out of the General Fund by a special order made for that purpose; or they may make the establishment of such road conditional upon the payment by the petitioners of all or any part of the damages assessed or the costs which may have accrued. If in the opinion of the Board of Supervisors the proposed location, alteration, or vacation is not necessary for the public good, or is not of sufficient importance to warrant the action asked for, they may refuse to confirm the report of the Viewers, and may discontinue proceedings in the premises; and they shall then direct the District Attorney to collect the expenses which may have accrued during the progress of the proceedings had in the premises upon the bond provided for in section three of this Act. Whenever any public road is established as contemplated in this Act, it shall be recorded by the Clerk of the Board of Supervisors in a book to be kept for that purpose, which book will be called the "Road Record of the County." Upon the final establishment of any road and the payment of the damages finally awarded, the Clerk of the Board of Supervisors shall within ten days thereafter notify the Road Master or Road Masters of the district or districts within which such road is situated, of the establishment thereof, and to furnish him with a specific description of said road; and it shall be the duty of such Road Master or Road Masters to open said road within thirty days from the reception of such notice, unless there were at the time of locating such road growing crops upon the ground affected by such road; in which case it shall be the duty of said Road Master or Road Masters to open such road within thirty days after the harvesting of such crops.

Payment of
damages.

Opening of
road.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CLXXIV.—*An Act concerning the distribution of the Reports of the Decisions of the Supreme Court, and the Statutes of this State.*

[Approved March 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Distribution. SECTION 1. The Probate Judge of the City and County of San Francisco shall be entitled to receive all the reports of the decis-

ions of the Supreme Court of this State, commencing with the twenty-second volume, and the statutes of the State hereafter to be published, in the same manner as County Judges.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CLXXV.—*An Act concerning official publications for the County of Yolo.*

[Approved March 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Sheriff, the Board of Supervisors, County Clerk, and all other and each of the county and township officers of the County of Yolo, are hereby authorized and empowered in all cases where official publications are required to be made by such officers, to make such publication in the newspaper published and printed in said Yolo County.

SEC. 2. The Board of Supervisors of said County of Yolo are hereby authorized to contract with the proprietors of said county newspaper for the entire printing of said county, as required in section one; *provided*, that the entire cost of the same shall not exceed the sum of fifteen hundred dollars per annum.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CLXXVI.—*An Act to legalize and confirm a certain contract made between the County of Santa Clara, by the Board of Supervisors thereof, and the Western Pacific Railroad Company, bearing date the twenty-eighth day of March, A. D. eighteen hundred and sixty-five.*

[Approved March 3, 1866.]

WHEREAS, A certain contract or agreement was made and entered into on the twenty-eighth day of March, A. D. eighteen hundred and sixty-five, purporting to be between the Board of Supervisors of the County of Santa Clara, for and on behalf of said county, of the one part, and the Western Pacific Railroad Company, of the other part, wherein it was, among other things, agreed that said county would issue to said Western Pacific Railroad Company the one hundred and fifty thousand dollars of county bonds of said county in payment of the stock in said company theretofore subscribed by said county under and in pursuance of an Act of the Legislature of the State of California, entitled an Act to authorize the Board of Supervisors of the County of Santa Clara to take and subscribe one hundred and

fifty thousand dollars to the capital stock of the Western Pacific Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April fourteenth, eighteen hundred and sixty-three, at the times and in the manner provided by said Act, and that, in consideration of the issuance of said bonds, that in the event that said railroad company should at any time execute a mortgage upon said company's road, such mortgage should contain a stipulation and covenant to the effect that the same should not be foreclosed by reason of the non-payment of any interest that may accrue upon any of the bonds or liabilities, the payment of which should be secured so as to effect in any manner the stock so held by said county, and that said stock should be entirely exempt from the operation of such mortgage; and said agreement also provided that said railroad company should have the exclusive privilege of buying said stock of said county, as therein expressed, at any time within five years from the date thereof; which agreement is signed and executed by J. A. Quinly, President, and Chapman Yates, Frank Sleeper, Lemuel Robinson, and John A. Perkins, members of said Board of Supervisors, for and on behalf of said county, and Timothy Dame, as President of said company, for and on behalf of said company; therefore,

'The People of the State of California, represented in Senate and Assembly, do enact as follows:

Contract ratified.

SECTION 1. That the agreement and contract referred to in the foregoing preamble be and the same is in all things ratified and confirmed and declared valid.

SEC. 2. This Act shall take effect from and be in force from and after its passage.

CHAP. CLXXVII.—*An Act to authorize J. B. Estis, Lew M. Warden, and their associates, to construct and maintain a turnpike road from Cloverdale to or near Standley's Ranch, and charge and collect toll.*

[Approved March 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise.

SECTION 1. J. B. Estis and Lew M. Warden, together with those they may associate with them, shall take, have, possess, and enjoy, all the rights, privileges, rights of way, franchises, and immunities hereinafter mentioned, upon condition that they incorporate themselves under the general laws of this State regulating corporations, and shall adopt the name of the Russian River Road Company, and shall abide and fulfil the further conditions hereinafter mentioned.

SEC. 2. Said company, when incorporated as aforesaid, shall have full power to build, erect, construct, and maintain a public toll road, from Cloverdale, in Sonoma County, to Harrison Standley's Ranch, or near said ranch, as they may determine,

in Mendocino County, upon either or both banks of Russian River, and shall have the right of way for that purpose, and shall enjoy all the rights, privileges, and immunities thereunto appertaining, for the space of twenty years from the completion of said road.

SEC. 3. Said company shall within one year from the passage Completion. of this Act commence the construction of said road, and within three years build and complete the same.

SEC. 4. Said company shall at all times after the completion Damages. of said road, keep it in passable order, and shall be responsible for any damages arising to persons or property travelling said road caused by neglect to keep said road in proper order and repair.

SEC. 5. Said company, upon the construction and completion Tolls. of said road, shall be authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of the County of Mendocino shall annually fix; provided, the rates of toll so fixed shall be such as to yield to said company not less than twelve and one half per cent net profits on the capital stock invested; and, provided, further, the capital stock of said company shall not exceed fifty thousand dollars.

SEC. 6. Said company shall keep in a conspicuous place at scale of each end of said road, a bulletin board containing the scale of prices. prices allowed for travelling on said road.

SEC. 7. Said company shall have the right to continue said Extension of road. road to Ukiah City at any time within three years from the passage of this Act, and all the rights and privileges herein granted shall attach to such addition; provided, the Board of Supervisors of said county shall have the right to direct the location of said addition; but no such addition shall be constructed without the consent of said Board of Supervisors.

CHAP. CLXXVIII.—*An Act to fix the time of holding the County Courts and Probate Courts in Lake County.*

[Approved March 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be held in the County of Lake, terms Terms of of the County Court, commencing on the first Monday of January, April, July, and October in each year. CountyCourt

Sec. 2. Terms of the Probate Courts shall be held at the same times as the terms of the County Courts; provided, that Probate Court. the County Courts shall take precedence; but when the business of said County Court shall be disposed of for the day, business in the Probate Court may be taken up.

Sec. 3. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall take effect and be in force from and after the first day of April, eighteen hundred and sixty-six.

CHAP. CLXXIX.—*An Act relative to the treatment and care of the indigent sick of the County of Amador.*

[Approved March 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Advertisement for proposals. SECTION 1. The Board of Supervisors in and for the County of Amador are hereby authorized and required annually in the month of March, to advertise in some newspaper published in said county, for two weeks successively, for sealed proposals for caring for, furnishing provisions, fuel, clothing, medical care, and treatment needed and required by the indigent sick of said Amador County for the term or period of one year from the first Monday in May of each year.

Proposals. SEC. 2. All proposals mentioned in section one of this Act shall be in writing, and sealed up in an envelop and delivered to the Clerk of the Board of Supervisors, who shall indorse thereon the time the same was received and file it in the Clerk's office of said county, where the same shall remain until the regular monthly meeting of said Board on the first Monday in April thereafter; and bids or proposals shall be received by said Clerk up to the time of the meeting of said Board of Supervisors on the first Monday in April as aforesaid.

Award. SEC. 3. At the session of the said Board of Supervisors of the County of Amador, holden on the first Monday of April in each year, the said Board shall proceed to open all bids or proposals that may have been received by the Clerk of said Board for caring for, furnishing provisions, fuel, clothing, medical care, and treatment, and other necessaries needed and required by the indigent sick of said county, and shall then and there award contracts for furnishing such supplies and rendering such services to the lowest bidder or bidders; *provided*, that said bidder or bidders to whom said contracts shall be awarded, shall execute an undertaking, payable to the County of Amador, in an amount to be fixed by said Board, with two or more sureties, who shall justify as required by law in the case of sureties on the official bonds of county officers of Amador County, said undertaking to be conditioned for the faithful performance of said contract; and, *provided*, further, that no contract shall be awarded to any person for medical treatment of such indigent sick unless he be a graduate of some legally incorporated college of medicine, and who shall, if required, produce the evidence thereof.

SEC. 4. Should the lowest bidder or bidders fail or refuse to give the undertaking as required in the last preceding section, then the said Board of Supervisors shall award the contracts to the next lowest bidder or bidders, who will give the undertaking, and otherwise comply with the provisions of this Act.

Separate contract. SEC. 5. The contract for medical care and treatment shall be separate and distinct from the contract or contracts to care for, furnish provisions, fuel, clothing, and other necessaries for said indigent sick of said county; and no bid or proposal shall be

considered which does not comply with the provisions of this Act.

Sec. 6. The Board of Supervisors of Amador County shall ~~Levy of tax.~~ annually assess and levy the maximum rate or amount of taxes for hospital purposes in said county, provided for in section eight (8) of an Act of the Legislature of the State of California, entitled an Act to provide for the indigent sick in the counties of this State, approved April eleventh, eighteen hundred and fifty-five.

Sec. 7. From and after the first Monday in May, eighteen ~~Payment.~~ hundred and sixty-six, the Board of Supervisors of Amador County shall order warrants to be drawn by the Auditor of said county on the Hospital Fund of said county for the payment of the amounts that may become due from time to time on the contracts contemplated by this Act, and for no other purpose. Other expenses accruing on account of the hospital of said county, and not provided for in this Act, shall be paid out of the General Fund of said county.

Sec. 8. All laws and parts of laws in conflict with the provisions of this Act, so far as the same apply to the County of Amador, are hereby repealed.

Sec. 9. This Act shall take effect from and after its passage.

CHAP. CLXXX.—*An Act to authorize the removal of the bodies of certain deceased persons.*

[Approved March 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of Yolo ~~Removal of bodies.~~ are hereby authorized to cause the removal of all bodies of deceased persons in the Knight's Landing Cemetery that are embraced within the lines of the public road to the Town of Knight's Landing, as located by the said Board, and to cause the same to be properly buried within the proper lines of said cemetery, as directed by the Trustees thereof.

Sec. 2. The Trustees of said cemetery shall cause to be removed the bodies of all persons who are buried in the walks and roads of said cemetery, and to properly bury the same in such lot or lots as shall be determined by the said Trustees and the relatives and friends of the deceased.

Sec. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CLXXXI.—*An Act to more clearly define and establish the boundary line of Yolo County.*

[Approved March 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Boundaries. SECTION 1. The boundary line of Yolo County shall commence at a point in the middle of the Sacramento River, near the head of Merritt's or Steamboat Slough, at a point where the township line between Township Number Five and Township Number Six north of the Mount Diablo base line intersects said river; thence running due west with said township line to the range line between Range Number Two and Range Number Three east of the meridian of Monto Diablo; thence due north with said range line to the south branch or old bed of Putah Creek; thence westerly up the middle of the old bed, as well as the main Putah Creek, to a point in the cañon where the highest ridge of mountains dividing the waters of the Sacramento and Berryessa Valleys; thence northerly along the highest ridge of said mountains, west of the California and Occidental Quicksilver Mines, and following said ridge until it intersects a line dividing the Counties of Yolo and Colusa, established by an Act of the Legislature approved April nineteenth, eighteen hundred and fifty-six; thence east with said line to the middle of the Sacramento River; thence south along the middle of said river to the place of beginning.

SEC. 2. An Act entitled an Act to define the lines of Yolo County, and to establish its boundaries, approved March twenty-sixth, eighteen hundred and fifty-seven, is hereby repealed.

CHAP. CLXXXII.—*An Act to authorize the Board of Supervisors of Amador County to levy a special tax for bridge purposes.*

[Approved March 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Levy of tax. SECTION 1. On petition of fifty taxpayers on real estate of any road district within the County of Amador, the Board of Supervisors of said county are hereby authorized, in their discretion, to levy a special tax on all the taxable property within said road district, in amount not to exceed twenty (20) cents on each one hundred dollars valuation.

SEC. 2. Said special tax shall be levied and collected at the same time and in the same manner that State and county taxes are levied and collected.

Bridge Fund SEC. 3. Said tax, when collected, shall be paid into the County Treasury of Amador County, and shall be known and

designated as the Special Bridge Fund of the road district in which the same was levied and collected.

Sec. 4. Said Special Bridge Fund shall be disbursed by the County Treasurer, upon the order of the Board of Supervisors.

Sec. 5. Said Special Bridge Fund shall be appropriated by ~~now applied~~ the Board of Supervisors of Amador County for the sole purpose of purchasing bridges now owned by private parties, or building such new bridges within the boundaries of the road district in which the same was levied and collected as the public necessities may require.

Sec. 6. This Act shall take effect and remain in force from and after its passage for the period of two years.

CHAP. CLXXXIII.—*An Act regulating the apportionment of fees of office in civil cases between District Attorneys and their successors in office.*

[Approved March 8, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. In all tax cases pending and undetermined or in which the judgment shall remain unsatisfied at the expiration of the term of office of any District Attorney in this State, the fees due or which shall become due in such cases to the District Attorney, shall be distributed between the District Attorney who commenced the action and the District Attorney who shall collect the said fees, as follows :

First—In all such actions as aforesaid in which the complaint has been filed and summons issued, and no service had, the District Attorney who commenced the action shall receive one third, and the District Attorney who shall collect the judgment or costs therein shall receive two thirds of all fees collected for the District Attorney in such action.

Second—In actions in which the complaint has been filed and service. summons served, or publication of summons made by the District Attorney who commenced the action, the fees which shall become due and be collected in such action shall be divided equally between the District Attorney who commenced the action and the District Attorney who shall collect the same.

Third—In all such actions as aforesaid wherein judgment has been rendered before the expiration of the term of office of the District Attorney who commenced the action, such District Attorney shall be entitled to receive two thirds of all fees which he would have been entitled to if such fees had been collected during his term of office; provided, that in all other civil suits the fees shall be apportioned between the several District Attorneys entitled to such fees by the Court in which such action was commenced as to said Court may seem just and proper.

Sec. 2. It shall be the duty of the District Attorney to conduct and prosecute all tax suits and civil causes pending at the time his term of office commenced which were commenced by

his predecessor in office, and to collect the fees due to the said District Attorney who instituted the action or obtained the judgment as provided in this Act, and to pay monthly to the District Attorney whose term of office has expired, or to the County Clerk, for him, the proportion of fees due to such District Attorney, as provided in this Act, in the same kind of money collected.

SEC. 3. Nothing contained in this Act shall be so construed as to give District Attorneys any additional percentage or emoluments not now allowed by law.

SEC. 4. This Act shall not apply to the County of Yuba.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. CLXXXIV.—*An Act to grant the Oakland Railroad Company the right of way for a railroad track in the City of Oakland, and Alameda County, and to run horse cars thereon.*

[Approved March 3, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise. SECTION 1. The Oakland Railroad Company, a corporation formed under an Act to provide for the incorporation of railroad companies, the management of the affairs thereof, and other matters relating thereto, together with the several Acts amendatory thereof and supplementary thereto, approved May twentieth, eighteen hundred and sixty-one, is hereby granted the right of way whereon to construct and lay down a railway track within the corporate limits of the City of Oakland, and in Alameda County, and to run horse cars thereon as follows: Commencing at the southerly end of Broadway, in said city; thence through said street to the northerly limits of the city; thence along the telegraph road to the crossing of Temescal Creek; from thence to the grounds of the College of California, along a route to be hereafter located by the company in the manner prescribed by the provisions of the Act to incorporate railroad companies.

Route. **Tracks and rails.** SEC. 2. From the southerly end of Broadway to the crossing of Fourteenth street, one track shall be laid on each side of the centre of said street, and as near the centre as will permit the cars to pass and repass with safety. And from the crossing at Fourteenth street the road shall consist of a single track, which shall be continuous with the track along the west side of Broadway, and be projected in a straight line to the telegraph road, and from thence along the west side of said road at a distance of ten feet from the centre of the same. The rails used in Broadway and on the telegraph road, together with the necessary switches and turnouts, shall be of the most approved pattern used in eastern cities.

SEC. 3. The owners of said railroad shall keep in repair the ~~Repairs.~~
streets and roads through which it passes for a width of two
feet on each side of the track or tracks of said road.

SEC. 4. The track of said railroad shall not be more than five ^{Laying}
feet between the rails. It shall be laid flush with the level of ^{of rails.}
the street or road, and so as to offer as little obstruction as pos-
sible to the crossing of vehicles; and when the road herein pro-
vided for shall intersect any other road, the rails of each road
shall be so altered or cut as to permit the cars to pass without
obstruction, and nothing in this Act shall be so construed as to
prevent any other railroad company hereafter formed from cross-
ing the road herein mentioned at any point in like manner.

SEC. 5. The rates of fare upon said railroad during the first ^{Fares.}
ten years of said franchise within the limits of the City of Oak-
land, shall not exceed ten cents for each passenger, and tickets
shall be sold at the rate of sixteen for one dollar; for any dis-
tance outside the city limits and within two miles from the foot
of Broadway, not exceeding fifteen cents; and for the whole dis-
tance traversed by the road, not exceeding twenty-five cents for
each passenger. The rights and privileges granted by this Act ^{Duration}
shall extend thirty years from and after its passage; *provided,* ^{of franchise.}
that after the expiration of the first ten years of this franchise,
the rates of fare shall be fixed by the Legislature, but shall not
exceed the rates prescribed in this section for the first ten years.

SEC. 6. The cars upon said railroad shall be of the most ^{Motive}
approved construction for the comfort and convenience of pas-
sengers, and shall be provided with sufficient brakes for stopping
the same when required. Horses or mules may be used for the
motive power, but no cars propelled or drawn by steam power
shall ever be used on the track of said road; nor shall any car
be run within the limits of the City of Oakland at a speed of
more than eight miles per hour. In case of a violation of this
provision, the owner or owners of said railroad shall be subject
to a fine to be fixed by an ordinance of the City Council. Any
person obstructing said railroad shall be deemed guilty of misde-
meanor, and shall be punished accordingly.

SEC. 7. Work shall be commenced within six months, and at ^{Completion.}
least one track be laid within the limits of the City of Oakland
within eighteen months from the passage of this Act, and the
whole road shall be completed within five years from the passage
of this Act.

SEC. 8. The southern terminus of said road shall at all times ^{Trips and}
be at the south end or foot of Broadway, and regular trips must ^{terminus.}
be made by the cars of said company to and from said south end
or foot of Broadway, when running upon any other portion of
said Broadway.

SEC. 9. Nothing in this Act shall be so construed as to pre- ^{Street}
vent the city authorities of the City of Oakland from sewer- ^{repairs.}
grading, paving, repairing, or altering the street through which
the road passes, and said road shall at all times conform to the
grades which are now or may be hereafter established by the
proper authorities; *provided,* that if the provisions of this Act ^{Forfeiture.}
are not complied with, then the franchise and privileges herein
granted shall utterly cease and be forfeited.

SEC. 10. This Act shall take effect from and after its passage.

CHAP. CLXXXV.—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco.

[Approved March 8, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Preamble. WHEREAS, the City and County of San Francisco has through its proper officers, from time to time ordered street work done outside of Larkin and Ninth streets, and within the corporate limits of said city, and has awarded contracts for the same, and doubts existing as to the validity of the ordinances and resolutions providing for the same, therefore be it enacted :

Confirmation. SECTION 1. That all ordinances and resolutions heretofore from time to time passed by the Board of Supervisors of the City and County of San Francisco in relation to streets and street work done and being done outside of Larkin and Ninth streets, and within the corporate limits of said City of San Francisco ; also, all contracts and assessments for street work made by the Superintendent of Public Streets and Highways, and all other proceedings of whatsoever kind or nature under and in accordance with the provisions of such ordinances and resolutions, be and they hereby are made valid, ratified, and confirmed.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CLXXXVI.—An Act to provide for the collection of delinquent taxes upon certain real estate and improvements, assessed to unknown owners, in the County of San Bernardino.

[Approved March 8, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Service of summons. SECTION 1. In all suits for delinquent taxes brought by the District Attorney in San Bernardino County, in which real estate or improvements are made defendants, and assessed to unknown owners, and the officer making service of summons thereon shall be unable to find any person in possession of the same, the summons as to said real estate or improvements may be served by posting a copy thereof in some public place thereon, and posting a like copy at the Court House door in said county for thirty days, and the service shall be deemed, at the expiration of said thirty days, complete, when the District Attorney shall proceed as in other cases provided for by law.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CLXXXVII.—An Act to give mileage to Grand and Trial Jurors in the County of Alameda.

[Approved March 8, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In Alameda County, any grand or trial juror who ~~may live~~ may live two miles or more from the County Court House shall receive mileage at the rate of twenty cents per mile for the distance necessarily travelled by him in going from his place of residence to the County Court House; but no mileage shall be allowed to any juror who may live within two miles of the Court House.

Sec. 2. The County Clerk shall issue to any juror who may ~~be entitled~~ Certificate. be entitled to mileage, a certificate of the number of miles travelled, with the amount of mileage due him, and such mileage shall be allowed and paid out of the County Treasury, as other dues.

Sec. 3. All Acts or parts of Acts so far as in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in force from and after its passage.

CHAP. CLXXXVIII.—An Act in relation to Public Roads in the County of Alpine, and to the Road Fund of said county.

[Approved March 8, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The present Supervisor Districts of Alpine ~~County~~ ^{Districts and Overseers.} shall each constitute a road district therein, and at the next general election, and at the general election every year thereafter, there shall be elected in each of said road districts a Road Overseer, who shall qualify and enter upon the duties of his office on the first Monday in January subsequent to his election. Said Road Overseer shall be a citizen of the road district for which he is elected, and shall reside in said district during his term of office; otherwise said office shall be considered vacant.

Sec. 2. Any vacancy in said office of Road Overseer shall be ~~filled~~ ^{Vacancy.} filled by appointment by the Board of Supervisors from the citizens of the road district where said vacancy exists; and until the next general election after the passage of this Act, said offices shall be filled by said Board by appointment.

Sec. 3. Before entering upon the duties of his office each ^{Bond.} Road Overseer shall take the proper oath of office, and give a bond in the sum of one thousand dollars, conditioned for the faithful performance of the duties of his office, with two or

more sureties, which bond shall be approved by the County Judge, and filed with the County Clerk.

Road poll tax receipts. SEC. 4. The County Auditor shall cause to be printed each year as many road poll tax receipts as may be necessary for the use of his county. Each receipt shall be for the sum of two dollars, and shall be signed by the County Auditor, and shall contain a blank for the name of the person to whom it is sold, and a blank for the signature of the Road Overseer. The receipts shall be numbered consecutively.

Accounts. SEC. 5. The County Auditor shall open an account with each Road Overseer, charging him with such receipts as he receives, and crediting him with the money paid into the County Treasury and with the blank receipts returned.

SEC. 6. The County Treasurer shall keep a separate account of the Road Tax Fund of each road district, crediting the money received and charging the warrants paid.

Collection of tax. SEC. 7. It shall be the duty of each Road Overseer to procure from the Auditor as many road poll tax receipts as there are inhabitants in his road district liable to pay road poll tax, and he shall visit all such persons during the year and collect from each of them the sum of two dollars in United States gold or silver coin. Upon the payment of this sum he shall give such person a road poll tax receipt, writing therein with ink the date and name of the person paying, and signing thereto his name.

Neglect to pay. SEC. 8. Any person liable to pay road poll tax, neglecting or refusing to do so, the Road Overseer may make the same from the personal property of any person so refusing by distress and sale in the same manner that poll taxes are authorized to be collected under an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, one thousand eight hundred and sixty-one, and the provisions of said Act relating to the collection of poll taxes are hereby made applicable in all respects to the collection of road poll taxes under this Act.

SEC. 9. The Road Overseer may collect any delinquent road poll tax in the same manner that he is authorized by this Act to collect the same in the year said tax became due.

Settlement. SEC. 10. The Road Overseer shall pay to the County Treasurer on the first Monday of each month the total amount collected, less the percentage which he is entitled to receive as herein provided, and take a receipt for the amount paid, which receipt shall be filed with the County Auditor. The Road Overseer shall also make a settlement with the Auditor on the first Monday of March subsequent to entering upon the duties of his office, and every two months thereafter during the continuance of his office, and return all road poll tax receipts unsold upon making such settlement; and upon the return of all unsold road poll tax receipts, he shall receive a certificate from the Auditor certifying that he has settled in full, and that all road poll tax receipts issued to him have been accounted for; and the Auditor shall credit the Road Overseer with fifteen per cent of the amount collected by said Road Overseer, which he shall be entitled to receive for his services in making such collections.

SEC. 11. In making such settlement as provided in the foregoing section, the Road Overseer shall file with the Auditor his

Compensation.

report, which report shall have been subscribed and sworn to ^{Report.} before some officer authorized to administer oaths. Said report shall contain a detailed statement of the business of his office during the preceding two months, the names of the persons who have paid the road poll tax, the work done, the time when and where, by whom, the number of days, and at what price, also, the materials furnished, the kind, and the price paid. He shall also file a duplicate of said report with the Clerk of the Board of Supervisors similarly sworn to and subscribed, and both reports shall be open to public inspection.

SEC. 12. The Road Overseer shall have the supervision of all ^{Overseer's} ~~duties.~~ public roads and bridges in his road district, and it shall be his duty to open and keep the same in repair, and for such purpose may furnish materials, employ hands and teams to open, work, and repair the public roads and bridges in his road district. He may also build or cause to be built all public bridges in his district which shall not cost over fifty dollars each, without posting proposals and letting contract as provided in section fourteen of this Act.

SEC. 13. The Road Overseer may at any regular or special ^{Pay for work} ~~and material~~ meeting of the Board of Supervisors present his account in writing to said Board, specifying the place where and the time when the work was performed, the names of the hands employed, the number of days each worked, and the price paid or agreed to be paid; also, the number of days teams were employed, by whom furnished, the number of days, and the price paid, when and where worked; also, the plank and other materials furnished by him in repairing roads, building and repairing bridges, the quantity furnished, the time when and where used, and the price paid. Said account shall be subscribed and sworn to by said Road Overseer. The Board of Supervisors may require additional proof thereof in their discretion. Upon the approval of the account by the Board of Supervisors, the Auditor shall draw his warrant in favor of the Road Overseer on the Treasurer for the amount allowed for such work and materials by said Board, payable out of the Road Fund of his road district.

SEC. 14. The building of all public bridges which cost each over ^{Contracts} ~~for bridges.~~ fifty dollars in the road district shall be let by contract by the Road Overseer to the lowest responsible bidder, after notice of proposals have been posted in at least three public places in his road district for the term of ten days; and the contract to be binding shall be approved by the Board of Supervisors, who shall receive the bids and before whom they shall be opened. Upon the completion of the contract and the approval of the work by the Road Overseer, he shall certify the account of the contractor to the Board of Supervisors, and upon their approval the Auditor shall draw his warrant in favor of the contractor for the amount on the Treasurer, payable out of the Road Fund of the district.

SEC. 15. The Road Overseer shall be entitled to ten per cent ^{Overseer's} ~~pay.~~ for his services on all moneys expended on the roads and bridges in his district which work was performed under his direction; *provided*, the account of the money so expended shall have been

presented to and allowed by the Board of Supervisors, as provided in sections thirteen and fourteen of this Act, and so expended by him, said ten per cent to be paid upon approval by the Board of Supervisors out of the Road Fund of his district.

Warrants. SEC. 16. No warrant shall be drawn on the Road District Fund unless there be money sufficient to meet the same in said fund, and no warrant shall be drawn except against the Road District Fund of the year in which the indebtedness accrued.

Division of district. SEC. 17. Upon application of twenty-five citizens of the road district, made in writing, to the Board of Supervisors at any regular meeting of said Board, they may divide any district into two road districts.

Penalty for neglect of duty. SEC. 18. Any Road Overseer failing to perform the duties in whole or in part prescribed for him in this Act shall be deemed guilty of a misdemeanor, and be liable to a prosecution before any Justice of the Peace in said county, on complaint of any citizen resident of said road district on behalf of the people of the State of California, and on conviction thereof shall be fined in any sum not exceeding two hundred dollars, and in default of payment thereof shall be imprisoned in the County Jail until the fine be paid; after deducting costs of prosecution the balance of the fine shall go to the Road District Fund of his district.

Law to take effect. SEC. 19. This Act, on and after its passage, shall apply and be binding upon all officers of Alpine County named in this Act, the same as though this Act had been in force at the time they entered upon the duties of their respective offices; and no compensation shall be allowed to any officer for services performed herein, except as herein specially named.

Fines. SEC. 20. All fines collected in the County of Alpine after the passage of this Act, for obstructing public roads, under the provisions of an Act entitled an Act to provide for establishing, maintaining, and protection of public and private roads, approved May sixteenth, one thousand eight hundred and sixty-one, shall be paid, after deducting costs of prosecution, into the Road District Fund of the district where such obstruction may be or may have been located.

Payment of damages. SEC. 21. Any damages or costs allowed by the Board of Supervisors of Alpine County after the passage of this Act, on account of laying out any public road, under the provisions of an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, one thousand, eight hundred and sixty-one—in case said Board authorize said damage or costs to be paid out of the public funds—shall be paid out of the Road District Fund of the road district where such road is located. If said road is located in two or more road districts, the said Board shall order the payment of the same out of the respective Road District Funds in accordance with the assessed damages in each.

Warrants. SEC. 22. No warrants shall be drawn on the Road Fund of the County of Alpine after the passage of this Act.

SEC. 23. So much of the Act referred to in section twenty-one, now in force in this county, inconsistent with the pro-

visions of this Act, are hereby repealed so far as the same relate to the County of Alpine.

SEC. 24. This Act shall take effect from and after its passage.

CHAP. CLXXXIX.—*An Act to regulate the times for holding the terms of the County Court and Probate Court of Monterey County.*

[Approved March 8, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In and for the County of Monterey there shall be held in each year only three general terms of the County Court, namely: On the first Monday in April and the second Mondays in August and December; and special terms not exceeding three, to be held at such times and upon such notice as the said Court or County Judge may order and direct; such order to be entered in the minutes of the Court if then or when next in session, but no grand nor trial jury shall be ordered or summoned except for a general term.

SECTION 2. The terms of the Probate Court, general and special, shall be held at the same time with those of the County Court; provided, that the business of the County Court at the general terms shall take precedence; but business in the Probate Court, either at a general or special term, may be taken and dispatched whenever the County Court is not otherwise occupied.

SECTION 3. All Acts in conflict with this Act are hereby repealed.

SECTION 4. This Act shall take effect and be in force from and after its passage.

CHAP. CXC.—*An Act to exempt from stamp duty certain contracts of insurance.*

[Approved March 8, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. No stamp shall be required nor stamp duty exacted on any contract of insurance when limited to accident resulting in injury or death.

SECTION 2. This Act shall take effect from and after its passage.

CHAP. CXCI.—An Act to confer certain powers on the Board of Supervisors of Merced County.

[Approved March 8, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Merced County are hereby authorized to perform the acts and duties in this Act provided, and not otherwise.

SEC. 2. The Board of Supervisors of Merced County are by this Act authorized, whenever in their judgment the same may be necessary, to appoint some suitable person, who shall be a good practical surveyor, to survey and mark out the boundary lines of Merced County as in this Act hereinafter provided, and such appointment may be made at any regular or special meeting of said Board.

Northern boundary. **SEC. 3.** The person so appointed shall commence at the southwest corner of Tuolumne County, and southeast corner Stanislaus County, and the northwest corner of Mariposa County, and run south seventy (70) degrees west to the summit of the coast range of hills; and the line so run shall be the northern boundary of Merced County and the southern boundary of Stanislaus County.

Eastern. **SEC. 4.** It shall be the duty of the person appointed by section two of this Act to commence at the point designated in section three as the place of beginning of the northern boundary of the said County of Merced, and run on a straight line to a point known as Phillips' Old Ferry, on the Merced River; thence across said river in a straight line to the eastern line of the Stockton and Millerton Road; thence along the eastern line of said road, as travelled in the year eighteen hundred and sixty-four, to a point known as Newton's Crossing, on the Chowchilla River; and the line so run shall be the eastern boundary of Merced County.

Monuments. **SEC. 5.** The person running said lines shall, at the end of each mile, and at the end of every angle in said line, erect lasting monuments of earth or stone; said monuments shall, if made of earth, be at least six feet in diameter at the base, and shall be at least two feet in height; and if made of stone, shall be at least four feet in diameter at the base and at least two feet in height.

Plats of survey. **SEC. 6.** The person employed to carry out the provisions of this Act shall make out plats and field notes of the survey of the same, and shall file one copy in the office of the County Surveyor of Merced County, and one copy with the County Clerk of said county.

Compensation. **SEC. 7.** The person employed to run said lines shall receive for his services a sum not to exceed ten dollars (\$10) per mile of said line, the same to be allowed by the Board of Supervisors of said county at their first meeting after the work is completed; and the same shall be paid in the same manner as other county dues are paid in said county.

SEC. 8. The person employed to run said lines shall give a

good and sufficient bond in the sum of one thousand dollars for ~~bond~~,
the faithful performance of his duty, said bond to be approved
by the Board of Supervisors and filed with the County Clerk of
said county.

SEC. 9. The person employed to run said lines shall enter ^{commencement of work} upon the discharge of his duty as soon as practicable after receiving the appointment.

SEC. 10. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 11. This Act to take effect from and after its passage.

CHAP. CXCII.—An Act to authorize John Y. Wilson and George W. Stevens to carry on the packing business within certain limits of the City and County of San Francisco.

[Approved March 8, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. John Y. Wilson, George W. Stevens, and such ~~franchise~~ persons as they may associate with them, and their assigns, shall have, possess, and enjoy all the rights, privileges, franchises and, immunities hereinafter mentioned, subject to the conditions hereinafter mentioned.

SEC. 2. The said John Y. Wilson, George W. Stevens, and such ~~conditions~~ persons as they may associate with them, and their assigns, shall have full power to establish, carry on and maintain the business and occupation of killing, curing, packing, and preserving meats, in all its branches, upon the two blocks of land situate within the City and County of San Francisco, and known and designated upon the official maps thereof as blocks numbers Two Hundred and Fifty-seven (257) and Two Hundred and Fifty-eight (258) of the Western Addition, bounded by Buchanan, Webster, Bay, and Beach streets, for the term of twenty (20) years; *provided*, that if the business and occupation aforesaid shall at any time become an actual nuisance, and so continue for the space of sixty (60) days, upon conviction thereof the said persons shall forfeit from thenceforth all the rights, privileges, immunities, and franchises enjoyed under this Act.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CXCHI.—An Act to authorize Edward Bent, his associates and assigns, to clear the channel and render navigable the stream in Contra Costa County known as the Arroya del Hambra.

[Approved March 8, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise. SECTION 1. Edward Bent, his associates and assigns, are hereby authorized, at such time as they shall deem proper, within eighteen months from the time of the passage of this Act, to construct a dam across the channel of the stream in the Town of Martinez, in Contra Costa County, known as the Arroya del Hambra, at a point between the bridge on Main street and the mouth of said stream. The said dam shall be constructed with a flood gate, and in such manner as to hold the tidewater which flows into said stream at high tide, so that the water may be allowed to flow out at low tide, for the purpose of clearing the said channel, and rendering said stream navigable at high tide.

Stream declared navigable. SEC. 2. The said Arroya del Hambra is declared navigable from the mouth of said stream, in the Straits of Carquines, up to the aforesaid bridge on Main street, in Martinez. And when the said Edward Bent, his associates or assigns, shall have erected the dam and flood gate mentioned in the first section of this Act, they shall thereafter be authorized to charge and collect reasonable tolls and wharfage, subject to regulation from time to time by the Board of Supervisors, on all vessels navigating the same for the purpose of trade.

Tolls. SEC. 3. All rights and privileges conferred by this Act shall be held and enjoyed by the said Edward Bent, his associates and assigns, for the space of twenty years. •

CHAP. CXCIV.—An Act to change the name of Laura Henry to Laura Ellen Hellyer.

[Approved March 8, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Changes name. SECTION 1. The name of Laura Henry is hereby changed to Laura Ellen Hellyer.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CXCV.—An Act making the office of Treasurer of Los Angeles County a salaried office.

[Approved March 8, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first day of March, eighteen ~~salary~~ hundred and sixty-six, the County Treasurer of the County of Los Angeles shall receive for his services, in lieu of the fees or perquisites now or hereafter allowed said officer by law, the salary or annual sum of sixteen hundred dollars, payable monthly, in United States coin; *provided*, that the salary of the officer in this Act named shall be paid in the same kind of currency in which the county taxes are paid.

SEC. 2. Nothing in this Act is intended, nor shall the same ~~in any manner be construed, to repeal or interfere with the fees for mileage and percentage allowed by law to said County Treasurer for travelling to the State Capital and settling with the Controller and Treasurer of State for State funds by him received; but said Treasurer, in addition to the salary hereby fixed and allowed, shall receive to his own use all mileage and percentage which now or hereafter may be allowed by law to the County Treasurers for travel and making such settlements.~~

SEC. 3. This Act shall be in force and take effect from and after the first day of March, eighteen hundred and sixty-six.

Percentage
and mileage.

CHAP. CXCVI.—An Act for the relief of certain parties who may be entitled to County Warrants in Humboldt County.

[Approved March 8, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. At each term of the County Court and District Court the Clerk shall issue certificates to all parties entitled to receive them, for services performed as grand jurors, or as trial jurors, and witnesses in criminal cases, such certificates being made payable to the person entitled to them, or his order.

SEC. 2. The Clerk shall keep an accurate account of all such ~~certificates~~ Account. certificates issued at such term of Court, and the service for which they were issued, so that when such certificates are laid before the Supervisors for their approval he may be able to show that they were issued according to law.

SEC. 3. When such certificates are laid before the Supervisors ~~Payment~~. they shall approve the same and order warrants to issue for their payment, unless they shall discover that the Clerk has issued them, in whole or in part, contrary to law, in which case the Clerk shall be personally responsible for such unlawful issue.

Juror's
certificates.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CXCVII.—*An Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways, and prescribe his duties, and repeal all other Acts so far as they conflict with the provisions thereof.*

[Approved March 8, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Road Com-missioner.

SECTION 1. There shall be elected by the qualified electors of the County of Sonoma, on the first Wednesday in September in the year one thousand eight hundred and sixty-seven, and every second year thereafter, one Commissioner of Roads and Highways, who shall hold his office for the term of two years from the first Monday in December next after his election and until his successor is elected and qualified.

Oath and bond.

SEC. 2. Before entering upon the duties of his office, the Commissioner shall take and subscribe the constitutional oath of office, which oath shall be indorsed on the certificate of his election or appointment, and signed by him, and certified by the officer before whom such oath or affirmation was taken, and shall give bond to the people of the State in the penal sum of three thousand dollars, with two or more sufficient sureties, to be approved by the County Judge, and conditioned for the faithful performance of his duties according to law.

Duties of Road Com-missioner.

SEC. 3. The Commissioner of Roads and Highways shall have the care and superintendence of all the roads, highways, and public bridges in the county, and it shall be his duty, under the directions and authority of the Board of Supervisors:

First—To give directions for the repairing of roads and highways, and all public bridges built within the county, and also all bridges parts of which belong to said county.

Second—To regulate the roads already laid out, and to alter, change, and discontinue such of them as may be deemed by the Board of Supervisors inconvenient.

Third—To cause such of the roads used as shall have been laid out but not sufficiently described, and such as shall have been used for five years but not recorded, to be ascertained, sufficiently described, and entered of record in the office of the Clerk of the Board of Supervisors.

Fourth—To cause the highways and the bridges which are or may be erected over streams intersecting highways, to be kept in repair.

Fifth—To divide the county into a convenient number of road districts, by writing, under his hand, to be lodged with the Clerk of the Board of Supervisors, and by the Clerk to be entered in the record of the proceedings of the Board, and to be approved by the Board, such divisions to be made annually by the Com-

missioner and approved by the Board, and in all cases to be made at least ten days before the service of the notice to work the roads hereinafter provided for; but no incorporated city or town, the citizens whereof pay a municipal street tax or assessment, shall be included in any road district.

Sixth—To assign to each of the said road districts such of the inhabitants liable to work on highways as he shall think proper, having regard to proximity of residence as much as may be.

Seventh—To designate and appoint one Overseer of Highways ^{Overseers.} for each road district within the county from time to time, and as often as he may deem necessary; said Overseers, in all cases, to be a resident freeholder in the road district for which he shall be appointed.

Eighth—To require the Overseers of Highways from time to time, and as often as the Commissioner and Board of Supervisors may deem necessary, not exceeding ten days in each year, to warn all persons assessed to work on highways to come and work thereon, with such implements, carriages, cattle, carts, mules, wagons, or horses, as the Commissioner shall direct.

Ninth—The Commissioner of Roads and Highways shall also ^{Powers of Commis- stoner.} have power, in the manner and under the restrictions hereinafter provided, by and with the approbation and consent of the Board of Supervisors, to be entered in their minutes, to lay out on actual survey such new roads in the said county as he may deem necessary and proper, and to discontinue such old roads and highways as shall appear to him and the Board, on the oaths of ten freeholders of the road district within which the same is situated, to have become unnecessary.

SEC. 4. The Commissioner of Roads and Highways shall ^{Report.} render to the Board of Supervisors at their quarterly meetings, an account in writing, stating:

First—The labor assessed and performed in each road district;

Second—The sums received by him for fines and commutations, and all other moneys received under or by virtue of any of the provisions of this Act;

Third—The improvements which have been made on the roads and bridges within the county, and the state of such roads and bridges; and,

Fourth—A statement of the improvements necessary to be made on such roads and bridges, and an estimate of the probable costs and expense of making such improvements beyond what the labor to be assessed for that year will accomplish.

SEC. 5. The Commissioner of Roads and Highways shall ^{Mile stones.} have power, and it is hereby made his duty, under the direction of the Board of Supervisors, to cause mile boards or stones to be erected, where not already erected, on the post roads, and such other public roads as he and the Board of Supervisors may think proper, at the distance of one mile from each other, with such fair and legible inscriptions as he and the Board may think proper.

SEC. 6. It shall be the duty of the Overseers of Highways ^{Duties of Overseers.} in each road district in said county:

Repairs, etc. *First*—To repair and keep in good order the highways within the several districts for which they shall have been appointed;

Second—When so required by the Commissioner of Roads and Highways, to warn all persons assessed to work on the highway in their respective districts to come out and work thereon;

Third—To cause the noxious weeds on each side of the highway within their respective road districts to be cut down or destroyed twice in each year, once in the month of April, and once in the month of June, and the requisite labor for that purpose shall be considered highway work; and,

Fourth—To collect all commutation money, and to execute all lawful orders of the Commissioner;

Fifth—To cause all the loose stones lying on the beaten track of each and every highway within their respective road districts to be removed once in every month from the first day of April until the first day of December, and to cause the monuments erected or to be erected as the boundaries of highways to be kept up and renewed, so that the extent of such highways may be publicly known;

Guide posts. *Sixth*—To cause guide posts, with proper inscriptions and devices, to be erected at the intersections of all the post roads in their road district, and at the intersection of such other roads therein as the Road Commissioner, under the instructions of the Board of Supervisors, may direct and deem necessary;

Seventh—To maintain and keep in repair at the expense of the road district such guide posts as may have been erected by order of the Commissioner of Roads and Highways as aforesaid, within the limits of the road districts for which they shall have been respectively appointed.

Implements SEC. 7. The Commissioner of Roads and Highways, whenever he shall think necessary or useful, shall direct and empower any Overseer of Roads and Highways in their respective road districts to procure one or more good iron or steel shod scrapers and ploughs, or either of them, for the use of his road district, to be paid for by the moneys arising from commutations and fines within such district; and in case such moneys shall be insufficient for the purpose, the deficiency shall be paid out of the General Road Fund of the county, and charged to such road district, to be returned to said General Road Fund out of the first moneys coming into the hands of the Treasurer to the credit of such road district.

Compensation. SEC. 8. If any Overseer shall be employed more days in executing the several duties enjoined on him by this Act than he is assessed to work on the highways, he shall be paid for the excess at the rate of two and a half dollars per day, and be allowed to retain the same out of the moneys which may come into his hands for fines under this Act, but he shall not be permitted to commute for the days he is assessed.

Vacancy. SEC. 9. If any person designated and appointed to the office of Road Overseer shall refuse to serve, or if his office shall become vacant from any cause, the Commissioner of Roads and Highways of the county shall, by warrant under his hand, designate and appoint some other person in his stead, and the Overseer so designated and appointed shall have the same

powers, be subject to the same orders, and liable to the same penalties, as if designated and appointed in the first instance.

Sec. 10. The Commissioner of Roads and Highways making such appointments shall in all cases cause such warrant of appointment to be forthwith filed in the office of the Clerk of the Board of Supervisors, together with an affidavit of the service of a copy thereof on the appointee, and of the acceptance or refusal of the office by the person appointed.

Sec. 11. Every Overseer of Roads and Highways who shall refuse or neglect, either:

First—To warn the people to work on the highways when he shall have been required to do so by the Commissioner of Roads and Highways; or,

Second—To collect the moneys that may arise from fines or commutations; or,

Third—To perform any of the duties required by this Act, or which may be enjoined upon him by the Commissioner under the provisions of this Act, and for which a penalty is not hereinafter provided, shall, for every such refusal or neglect, forfeit the sum of fifty dollars, to be sued for by the Commissioner of Roads and Highways of the county, and when recovered to be applied by him in making and improving the roads and highways in the road district for which such Overseer was appointed.

Sec. 12. It shall be the duty of the Commissioner of Roads and Highways of the county, whenever any person resident in a particular road district shall make complaint that the Overseer of such road district has refused or neglected to perform any of the duties enumerated in the last preceding section of this Act, and shall give or offer to such Commissioner sufficient security to indemnify him against the costs which may be incurred in prosecuting for the penalty annexed to such refusal or neglect, forthwith to prosecute such Overseer for the offence complained of.

Sec. 13. If such Commissioner of Roads and Highways shall refuse or neglect to prosecute for such penalty, he shall in every such case forfeit the sum of fifty dollars, to be recovered by the person who shall have made such complaint and given or offered such security.

Sec. 14. Every person owning or occupying land in the road district in which he or she resides, and every male inhabitant above the age of twenty-one years residing in the road district when the assessment is made, shall be assessed to work on the public roads and highways in such road district, and the lands of non-residents situated in such road districts shall be assessed for highway labor as hereinafter directed; and all lands of non-residents within any road district occupied and improved by the owner or owners, or his or their agents or servants, shall be liable to the same assessments for roads and highways as if the owner or owners were residents; and the real property of non-resident owners improved or occupied by a servant or agent shall be subject to assessment of highway labor, and at the same rate as the real property of resident owners.

Sec. 15. The Commissioner of Roads and Highways shall attend every regular meeting of the Board of Supervisors, and shall, at the request of the Board, also be in attendance at all meetings.

special meetings of the Board at which road and highway matters are considered.

List of persons liable to work.

SEC. 16. Each of the Overseers of Roads and Highways shall, within thirty days after their appointment, deliver to the Commissioner of Roads and Highways a list, subscribed by such Overseer, of the names of all the inhabitants in his road district who are liable to work on the highways, which list shall be deposited by the Commissioner forthwith with the Clerk of the Board of Supervisors and filed by the Clerk.

List of property.

SEC. 17. The Board of Supervisors and Commissioner of Roads and Highways in said county, at their first or any subsequent regular meeting, shall make out a list and statement of the contents of all lots, pieces or parcels of land within each separate road district in the county owned by non-residents therein. Every lot so designated shall be described in the same manner as is required from Assessors, and its value shall be set down opposite to such description. Such value shall be the same as was affixed to such lot in the last assessment roll of the county; and if such lot was not separately assessed and valued in such roll, then in proportion to the valuation of the whole tract of which such lot shall be a part; said list and statement to be filed forthwith by the Clerk of the Board of Supervisors.

Assessment of labor.

SEC. 18. The Commissioners of Roads and Highways, with the consent of the Board of Supervisors, to be made known by an order to that effect entered upon the minutes of their proceedings, shall proceed at the same or any subsequent meeting of the Board of Supervisors to ascertain, estimate, and assess separately the highway labor to be performed in each road district the then ensuing year.

SEC. 19. In making such estimate and assessment the Commissioner and Board of Supervisors shall proceed as follows:

Number of days' work.

First—The whole number of days' work to be assessed in each year in each separate road district shall be ascertained, and shall be at least three times the number of taxable inhabitants in each separate road district, and may extend to ten, in the discretion of the Board of Supervisors and the Commissioner.

Second—Every male inhabitant over the age of twenty-one years, (except Indians, idiots, and lunatics,) shall be assessed at least one day.

Apportionment.

Third—The residue of such days' work, if any, shall be apportioned upon the estate, real and personal, of every inhabitant of each separate road district, as the same shall appear by the last assessment roll of the county and road district, and upon each tract or parcel of land, of which the owners are non-residents, contained in the list made as aforesaid.

Deficiency.

Fourth—If after such apportionment there shall be any deficiency in any road district in the number of days' work determined by the Commissioner and Board of Supervisors to be performed in such road district the then ensuing year, such deficiency shall be assessed upon the estates, real and personal, of the inhabitants of such road district, and upon each tract or parcel of land, the owner or owners of which are non-residents, according to the last assessment roll.

List to be filed.

Fifth—The Commissioner and Board of Supervisors shall affix to the name of each person named in the list aforesaid, and also

to the description of each tract or parcel of land contained in the list prepared by them of pieces or parcels of land held by non-resident owners, the number of days which such person or tract shall be assessed for highway labor as herein directed; and the Commissioner and President of the Board of Supervisors shall subscribe such lists and file them forthwith with the Clerk of the Board.

Sec. 20. In making the estimate and assessment of the ~~corporations~~ due of the highway labor to be performed in each road district, after assessing at least one day's work upon each of the male inhabitants therein above the age of twenty-one years, as provided in section nineteen of this Act, the Commissioner and Board of Supervisors shall include among the inhabitants of each road district among whom such residue is to be apportioned, all moneyed or stock companies and corporations which shall appear on the last assessment roll of the county, holding property, doing or having a place of business in such road district.

Sec. 21. Such moneyed or stock company or companies, or ~~corporations~~ corporation or corporations, shall be notified by the Road Overseer of the road district in which such moneyed or stock company or companies, corporation or corporations, are or shall be assessed, to furnish the amount of highway labor assessed to them in the same manner as individuals residing in such road district, by giving oral or written notice to the President, Cashier, Agents, Treasurer, or Secretary of such money or stock company or companies, corporation or corporations, or any Clerk or other officer thereof, at the principal office or place of transacting the business or concerns of such company or corporation; which labor shall be performed in such road district as the Commissioner and Board of Supervisors may direct; and any number of days' work, not exceeding ten, may be required to be performed by such company or corporation in any one day.

Sec. 22. Every such money or stock company or corporation ~~commuta-~~
~~tion.~~ may commute for the highway labor assessed upon it in the same manner and at the same rate as is allowed by this Act to individuals, or by paying to the Overseer of Highways of the road district where such work is assessed such commutation, and taking a receipt therefor and filing the same with the Clerk of the Board of Supervisors, and the commutation money so paid may be expended by the Road Overseer of the road district to which such commutation shall be due.

Sec. 23. Such money or stock company or companies, corporation or corporations, shall be liable to the same penalties for ~~Collection of~~ every day's work required, and for every default of any substitute sent by them, as is provided in this Act in the case of individuals required to work on highways, which shall be collected in the same manner, and paid over to the Overseer of the road district by the Constable collecting the same, and may be expended by them in the same manner as herein provided for the commutation money received from any such money or stock company or companies, corporation or corporations. The summons issued by any Justice of the Peace according to this Act, may be for any number of penalties incurred by any such money or stock

company or companies, corporation or corporations, previous thereto, and may be served in the manner provided in the Civil Practice Act of this State; and in case any such penalty cannot be collected as herein provided in a Justice's Court, the Commissioner of Roads and Highways of the county may file a bill in the District Court of the county where such penalty is incurred against any such delinquent money or stock company or corporation, and sequester its property, whereupon the same proceedings shall be had as are provided by law for the collection of State and county taxes assessed against incorporated companies, and the Court shall possess the like powers in respect to the same; and the said Commissioner may also recover such penalties or any number of them that may have been incurred, with costs, from such delinquent money or stock company or corporations.

**Supervisors
to assess
omitted
property.**

SEC. 24. Whenever the Assessor of the county shall have omitted to assess any inhabitant or property in any road district in the county, the Commissioner of Roads and Highways and the Board of Supervisors, sitting for that purpose, shall assess the persons and property so omitted, and shall apportion highway labor upon such persons or property in the same manner as if they had been duly assessed upon the last assessment roll.

District lists.

SEC. 25. The Clerk of the Board of Supervisors shall make out a copy of the separate lists of each road district within the county, which copies of lists shall be certified by him and delivered to the Commissioner of Roads and Highways; and the Commissioner shall also subscribe the same and deliver to the respective Road Overseers such copies of lists, to be used in the respective road districts where such labor is assessed.

SEC. 26. The names of persons left out of any such list, and of new inhabitants, shall be added from time to time to the several lists by the Commissioner and the Board of Supervisors at any regular or special meeting of the Board, and they shall be rated by the Commissioner and Board of Supervisors in proportion to their real and personal estate, to work on the highways as others rated on such lists.

**Credit for
work on pri-
vate roads.**

SEC. 27. It shall be the duty of Overseers of Road Districts, with the consent of the Commissioner, to credit such persons as live on private roads and work the same, so much on account of their assessments as such Overseer may deem necessary to work such private road, or to annex, with the consent of the Commissioner, such private roads to some highway district.

**Distinction
of tax.**

SEC. 28. Whenever the Commissioner and Board of Supervisors shall assess the occupant for any land not owned by such occupant, they shall distinguish in their assessment lists the amount charged upon such land from the personal tax, if any, of the occupant thereof; but when any such land shall be assessed in the name of the occupant, the owner thereof shall not be assessed during the same year to work on the highways on account of the same land.

**Deduction
of tax from
rent.**

SEC. 29. Whenever a tenant of any land for a term less than ten years shall be assessed to work on the highways for such land, pursuant to the provisions of this Act, and shall actually perform such work or commute therefor, he shall be entitled to

a deduction from the rent due or to become due from him for such land, equal to the full amount of such assessment, estimating the same at the rate of two dollars per day, unless otherwise provided for by covenant or agreement between such tenant and his landlord.

Sec. 30. It shall be lawful for the inhabitants residing in any road district in said county to grade, gravel, or plank the road or roads in such district by anticipating the highway labor of such road district for one or more years, and applying it to the immediate construction of such plank or gravel road; and after the completion of such plank or gravel road, the said inhabitants shall be exempted from the labor so anticipated and applied, except so far as their labor may be necessary to keep their said road or roads in repair; *provided*, however, the Commissioner shall assent thereto in writing, and file such written assent in the office of the Clerk of the Board of Supervisors.

Sec. 31. It shall be the duty of Overseers of Roads to give at least two days notice to all persons assessed to work on the highways, and residing within the limits of their respective districts, of the time and place when and where they are to appear for that purpose, and with what implements; but no person being of the district shall be required to work on any highway other than in the district in which he resides, unless he shall elect to work in some district where he has any lands, and in such case he may, with the approbation of the Commissioner of Roads and Highways, apply the work assessed in respect to such land in the district where the same is situated.

Sec. 32. It shall be the duty of the several Overseers of Roads and Highways to notify the agent of every non-resident landholder whose lands are assessed, (if such agent reside in the district,) of the number of days such non-resident is assessed, and of the time when and the place where the labor is to be performed, which notice shall be given at least five days previous to the time appointed.

Sec. 33. If the Overseer cannot ascertain that such non-resident has an agent within such district, he shall post a written notice in the most public place in his district, containing a list of the names of such non-residents, when known, and a description of the tracts of land comprised in his list, together with the number of days labor assessed on each tract, and a specification of the time when and place where such labor is to be performed; which notice shall be posted at least twenty days before the time appointed for performing such labor.

Sec. 34. Every person liable to work on the highways shall work or commute; but every such person, other than an Overseer, may elect to commute for the same, or for some part thereof, at the rate of two dollars per day for each day; in which case such commutation money shall be paid to the Overseer of the road district in which the person commuting shall reside, to be applied and expended by such Overseer in the improvement of the roads and bridges in the same district, under the direction of the Commissioner of Roads and Highways.

Sec. 35. Every person intending to commute for his assessment, or for any part thereof, shall, within twenty-four hours

after he shall be notified to appear and work on the highways, pay the commutation money for the work required of him by such notice, and the commutation shall not be considered as complete until such money be paid.

Teams, wagons, etc. SEC. 36. Every Overseer of Roads and Highways shall have power to require a team or a cart, wagon, or plough, with a pair of horses or oxen, and a man to manage them, from any person having the same within his district who shall have been assessed three days or more, and who shall not have commuted for his assessment; and the person furnishing the same upon such requisition shall be entitled to a credit of three days for each day's service therewith.

Substitute. SEC. 37. Every person assessed to work on the highways, and warned to work, may appear in person or by an able bodied man as a substitute, and the person or substitute so appearing shall actually work eight hours in each day, under the penalty of fifty cents for every hour such person or substitute shall be in default, to be imposed as a fine on the person assessed.

Penalties. SEC. 38. If any such person or his substitute shall, after appearing, remain idle, or not work faithfully, or hinder others from working, such offender shall for every offence forfeit the sum of four dollars.

Same. SEC. 39. Every person so assessed and duly notified, who shall not commute, and who shall refuse or neglect to appear as provided in this Act, shall forfeit for every day's refusal or neglect the sum of four dollars. If he was required to furnish a team, cart, wagon, man, or implements, and shall refuse or neglect to comply, he shall be fined as follows:

First—For wholly omitting to comply with such requisition, six dollars for each day;

Second—For omitting to furnish a cart, wagon, or plough, four dollars for each day;

Third—For omitting to furnish a pair of horses or oxen, four dollars for each day;

Fourth—For omitting to furnish a man to manage the team, two dollars for each day.

Complaint. SEC. 40. It shall be the duty of every Overseer of Roads and Highways, within thirty days after any person so assessed and notified shall be guilty of any refusal or neglect for which a penalty or fine is prescribed in this Act, unless a satisfactory excuse shall be rendered to him for such refusal or neglect, to make complaint on oath to any of the Justices of the Peace of the township.

Summons. SEC. 41. The Justice to whom such complaint shall be made shall forthwith issue a summons, directed to any Constable of the county, requiring him to summon such delinquent to appear forthwith before such Justice, at some place to be specified in the summons, to show cause why he should not be fined according to law for such refusal or neglect, which summons shall be served as provided by law in other cases.

Levy. SEC. 42. If, upon the return of such summons, no sufficient cause shall be shown to the contrary, the Justice shall impose such fine as is provided in this Act for the offence complained of, and shall forthwith issue a warrant under his hand and seal, directed to any Constable of the county, commanding him to

levy such fine, with the costs of the proceedings, of the goods and chattels of such delinquent.

SEC. 43. The Constable to whom such warrant shall be directed shall forthwith collect the moneys therein mentioned. He shall pay the fine, when collected, to the Justice of the Peace who issued the warrant, who is hereby required to pay the same to the Overseer who entered the complaint, to be by him expended in improving the roads and bridges in the district of which he is Overseer, under the direction of the Commissioner of Roads and Highways. Disposition of money collected.

SEC. 44. Every penalty collected for a refusal or neglect to appear and work on the highways, shall be set off against the assessment upon which it was founded, estimating every two dollars collected as a satisfaction for one day's work.

SEC. 45. The acceptance by an Overseer of any excuse for non-exemption refusal or neglect, shall not in any case exempt the person excused from commuting for or working the whole number of days for which he shall have been assessed during the year.

SEC. 46. Every Overseer of Roads and Highways shall, on or before the first day of January of each year, make out and file with the Clerk of the Board of Supervisors of the county a list of all the lands of non-residents and of persons unknown which were taxed on his lists on which the labor assessed by the Commissioner and Board of Supervisors has not been paid, and the amount of labor unpaid; and the said Overseer, previous to delivering or filing such list, shall make and subscribe an affidavit thereon before some Justice of the Peace of his county that he has given the notice required by the thirty-second section of this Act, and that the labor for which such land is returned has not been performed. List of lands of non-residents, etc.

SEC. 47. If any Overseer shall refuse or neglect to file such list with the Clerk of the Board of Supervisors as prescribed in the last preceding section, or shall refuse or neglect to make the affidavit as therein directed, he shall for every such offence forfeit the sum of twenty dollars, and also the amount of tax or taxes for labor remaining unpaid at the rate of two dollars for each day, to be recovered by the Commissioner of Roads and Highways of the county, and to be applied by him in making and improving the roads and bridges in the road district to which such labor is due. Penalty for neglect.

SEC. 48. It shall be the duty of the Clerk of the Board of Supervisors to receive and file the lists of the Overseers of Roads and Highways when delivered pursuant to the preceding sections of this Act, and to lay the same before the Board of Supervisors of the county at their first regular or called meeting thereafter. Lists to be filed.

SEC. 49. It shall be the duty of the Commissioner of Roads and Highways, with the consent of the Board of Supervisors, to be made known at their next regular or called meeting, forthwith to commence and prosecute civil actions in any Court of competent jurisdiction in his county for the amount of all such arrearages of labor, (estimating a day's labor at two dollars,) in his own name, and to enforce payment of any and all judgments in such cases in the same manner as is provided by the Civil Action for arrears.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CXCVII.—An Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways, and prescribe his duties, and repeal all other Acts so far as they conflict with the provisions thereof.

[Approved March 8, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Road Com-missioner.

SECTION 1. There shall be elected by the qualified electors of the County of Sonoma, on the first Wednesday in September in the year one thousand eight hundred and sixty-seven, and every second year thereafter, one Commissioner of Roads and Highways, who shall hold his office for the term of two years from the first Monday in December next after his election and until his successor is elected and qualified.

Oath and bond.

SEC. 2. Before entering upon the duties of his office, the Commissioner shall take and subscribe the constitutional oath of office, which oath shall be indorsed on the certificate of his election or appointment, and signed by him, and certified by the officer before whom such oath or affirmation was taken, and shall give bond to the people of the State in the penal sum of three thousand dollars, with two or more sufficient sureties, to be approved by the County Judge, and conditioned for the faithful performance of his duties according to law.

Duties of Road Com-missioner.

SEC. 3. The Commissioner of Roads and Highways shall have the care and superintendence of all the roads, highways, and public bridges in the county, and it shall be his duty, under the directions and authority of the Board of Supervisors:

First—To give directions for the repairing of roads and highways, and all public bridges built within the county, and also all bridges parts of which belong to said county.

Second—To regulate the roads already laid out, and to alter, change, and discontinue such of them as may be deemed by the Board of Supervisors inconvenient.

Third—To cause such of the roads used as shall have been laid out but not sufficiently described, and such as shall have been used for five years but not recorded, to be ascertained, sufficiently described, and entered of record in the office of the Clerk of the Board of Supervisors.

Fourth—To cause the highways and the bridges which are or may be erected over streams intersecting highways, to be kept in repair.

Fifth—To divide the county into a convenient number of road districts, by writing, under his hand, to be lodged with the Clerk of the Board of Supervisors, and by the Clerk to be entered in the record of the proceedings of the Board, and to be approved by the Board, such divisions to be made annually by the Com-

missioner and approved by the Board, and in all cases to be made at least ten days before the service of the notice to work the roads hereinafter provided for; but no incorporated city or town, the citizens whereof pay a municipal street tax or assessment, shall be included in any road district.

Sixth—To assign to each of the said road districts such of the inhabitants liable to work on highways as he shall think proper, having regard to proximity of residence as much as may be.

Seventh—To designate and appoint one Overseer of Highways ^{Overseers.} for each road district within the county from time to time, and as often as he may deem necessary; said Overseers, in all cases, to be a resident freeholder in the road district for which he shall be appointed.

Eighth—To require the Overseers of Highways from time to time, and as often as the Commissioner and Board of Supervisors may deem necessary, not exceeding ten days in each year, to warn all persons assessed to work on highways to come and work thereon, with such implements, carriages, cattle, carts, mules, wagons, or horses, as the Commissioner shall direct.

Ninth—The Commissioner of Roads and Highways shall also have power, in the manner and under the restrictions hereinafter provided, by and with the approbation and consent of the Board of Supervisors, to be entered in their minutes, to lay out on actual survey such new roads in the said county as he may deem necessary and proper, and to discontinue such old roads and highways as shall appear to him and the Board, on the oaths of ten freeholders of the road district within which the same is situated, to have become unnecessary.

Sec. 4. The Commissioner of Roads and Highways shall ^{Report.} render to the Board of Supervisors at their quarterly meetings, an account in writing, stating:

First—The labor assessed and performed in each road district;

Second—The sums received by him for fines and commutations, and all other moneys received under or by virtue of any of the provisions of this Act;

Third—The improvements which have been made on the roads and bridges within the county, and the state of such roads and bridges; and,

Fourth—A statement of the improvements necessary to be made on such roads and bridges, and an estimate of the probable costs and expense of making such improvements beyond what the labor to be assessed for that year will accomplish.

Sec. 5. The Commissioner of Roads and Highways shall ^{Mile stones.} have power, and it is hereby made his duty, under the direction of the Board of Supervisors, to cause mile boards or stones to be erected, where not already erected, on the post roads, and such other public roads as he and the Board of Supervisors may think proper, at the distance of one mile from each other, with such fair and legible inscriptions as he and the Board may think proper.

Sec. 6. It shall be the duty of the Overseers of Highways ^{Duties of Overseers.} in each road district in said county:

Repairs, etc. *First*—To repair and keep in good order the highways within the several districts for which they shall have been appointed;

Second—When so required by the Commissioner of Roads and Highways, to warn all persons assessed to work on the highway in their respective districts to come out and work thereon;

Third—To cause the noxious weeds on each side of the highway within their respective road districts to be cut down or destroyed twice in each year, once in the month of April, and once in the month of June, and the requisite labor for that purpose shall be considered highway work; and,

Fourth—To collect all commutation money, and to execute all lawful orders of the Commissioner;

Fifth—To cause all the loose stones lying on the beaten track of each and every highway within their respective road districts to be removed once in every month from the first day of April until the first day of December, and to cause the monuments erected or to be erected as the boundaries of highways to be kept up and renewed, so that the extent of such highways may be publicly known;

Guide posts. *Sixth*—To cause guide posts, with proper inscriptions and devices, to be erected at the intersections of all the post roads in their road district, and at the intersection of such other roads therein as the Road Commissioner, under the instructions of the Board of Supervisors, may direct and deem necessary;

Seventh—To maintain and keep in repair at the expense of the road district such guide posts as may have been erected by order of the Commissioner of Roads and Highways as aforesaid, within the limits of the road districts for which they shall have been respectively appointed.

Implements SEC. 7. The Commissioner of Roads and Highways, whenever he shall think necessary or useful, shall direct and empower any Overseer of Roads and Highways in their respective road districts to procure one or more good iron or steel shod scrapers and ploughs, or either of them, for the use of his road district, to be paid for by the moneys arising from commutations and fines within such district; and in case such moneys shall be insufficient for the purpose, the deficiency shall be paid out of the General Road Fund of the county, and charged to such road district, to be returned to said General Road Fund out of the first moneys coming into the hands of the Treasurer to the credit of such road district.

Compensa- SEC. 8. If any Overseer shall be employed more days in executing the several duties enjoined on him by this Act than he is assessed to work on the highways, he shall be paid for the excess at the rate of two and a half dollars per day, and be allowed to retain the same out of the moneys which may come into his hands for fines under this Act, but he shall not be permitted to commute for the days he is assessed.

Vacancy. SEC. 9. If any person designated and appointed to the office of Road Overseer shall refuse to serve, or if his office shall become vacant from any cause, the Commissioner of Roads and Highways of the county shall, by warrant under his hand, designate and appoint some other person in his stead, and the Overseer so designated and appointed shall have the same

powers, be subject to the same orders, and liable to the same penalties, as if designated and appointed in the first instance.

SEC. 10. The Commissioner of Roads and Highways making such appointments shall in all cases cause such warrant of appointment to be forthwith filed in the office of the Clerk of the Board of Supervisors, together with an affidavit of the service of a copy thereof on the appointee, and of the acceptance or refusal of the office by the person appointed. <sup>Appoint-
ment.</sup>

SEC. 11. Every Overseer of Roads and Highways who shall refuse or neglect, either: ^{Penalty.}

First—To warn the people to work on the highways when he shall have been required to do so by the Commissioner of Roads and Highways; or,

Second—To collect the moneys that may arise from fines or commutations; or,

Third—To perform any of the duties required by this Act, or which may be enjoined upon him by the Commissioner under the provisions of this Act, and for which a penalty is not hereinafter provided, shall, for every such refusal or neglect, forfeit the sum of fifty dollars, to be sued for by the Commissioner of Roads and Highways of the county, and when recovered to be applied by him in making and improving the roads and highways in the road district for which such Overseer was appointed.

SEC. 12. It shall be the duty of the Commissioner of Roads and Highways of the county, whenever any person resident in a particular road district shall make complaint that the Overseer of such road district has refused or neglected to perform any of the duties enumerated in the last preceding section of this Act, and shall give or offer to such Commissioner sufficient security to indemnify him against the costs which may be incurred in prosecuting for the penalty annexed to such refusal or neglect, forthwith to prosecute such Overseer for the offence complained of.

SEC. 13. If such Commissioner of Roads and Highways shall refuse or neglect to prosecute for such penalty, he shall in every such case forfeit the sum of fifty dollars, to be recovered by the person who shall have made such complaint and given or offered such security. <sup>Penalty for
neglect of
Commis.
sioner.</sup>

SEC. 14. Every person owning or occupying land in the road district in which he or she resides, and every male inhabitant above the age of twenty-one years residing in the road district when the assessment is made, shall be assessed to work on the public roads and highways in such road district, and the lands of non-residents situated in such road districts shall be assessed for highway labor as hereinafter directed; and all lands of non-residents within any road district occupied and improved by the owner or owners, or his or their agents or servants, shall be liable to the same assessments for roads and highways as if the owner or owners were residents; and the real property of non-resident owners improved or occupied by a servant or agent shall be subject to assessment of highway labor, and at the same rate as the real property of resident owners. <sup>Persons
liable to
assessment.</sup>

SEC. 15. The Commissioner of Roads and Highways shall attend every regular meeting of the Board of Supervisors, and shall, at the request of the Board, also be in attendance at all meetings. <sup>Commis.
sioner to
attend
meetings.</sup>

special meetings of the Board at which road and highway matters are considered.

List of persons liable to work.

SEC. 16. Each of the Overseers of Roads and Highways shall, within thirty days after their appointment, deliver to the Commissioner of Roads and Highways a list, subscribed by such Overseer, of the names of all the inhabitants in his road district who are liable to work on the highways, which list shall be deposited by the Commissioner forthwith with the Clerk of the Board of Supervisors and filed by the Clerk.

List of property.

SEC. 17. The Board of Supervisors and Commissioner of Roads and Highways in said county, at their first or any subsequent regular meeting, shall make out a list and statement of the contents of all lots, pieces or parcels of land within each separate road district in the county owned by non-residents therein. Every lot so designated shall be described in the same manner as is required from Assessors, and its value shall be set down opposite to such description. Such value shall be the same as was affixed to such lot in the last assessment roll of the county; and if such lot was not separately assessed and valued in such roll, then in proportion to the valuation of the whole tract of which such lot shall be a part; said list and statement to be filed forthwith by the Clerk of the Board of Supervisors.

Assessment of labor.

SEC. 18. The Commissioners of Roads and Highways, with the consent of the Board of Supervisors, to be made known by an order to that effect entered upon the minutes of their proceedings, shall proceed at the same or any subsequent meeting of the Board of Supervisors to ascertain, estimate, and assess separately the highway labor to be performed in each road district the then ensuing year.

SEC. 19. In making such estimate and assessment the Commissioner and Board of Supervisors shall proceed as follows:

Number of days' work.

First—The whole number of days' work to be assessed in each year in each separate road district shall be ascertained, and shall be at least three times the number of taxable inhabitants in each separate road district, and may extend to ten, in the discretion of the Board of Supervisors and the Commissioner.

Second—Every male inhabitant over the age of twenty-one years, (except Indians, idiots, and lunatics,) shall be assessed at least one day.

Apportionment.

Third—The residue of such days' work, if any, shall be apportioned upon the estate, real and personal, of every inhabitant of each separate road district, as the same shall appear by the last assessment roll of the county and road district, and upon each tract or parcel of land, of which the owners are non-residents, contained in the list made as aforesaid.

Deficiency.

Fourth—If after such apportionment there shall be any deficiency in any road district in the number of days' work determined by the Commissioner and Board of Supervisors to be performed in such road district the then ensuing year, such deficiency shall be assessed upon the estates, real and personal of the inhabitants of such road district, and upon each tract or parcel of land, the owner or owners of which are non-residents according to the last assessment roll.

List to be filed.

Fifth—The Commissioner and Board of Supervisors shall affix to the name of each person named in the list aforesaid, and also

to the description of each tract or parcel of land contained in the list prepared by them of pieces or parcels of land held by non-resident owners, the number of days which such person or tract shall be assessed for highway labor as herein directed; and the Commissioner and President of the Board of Supervisors shall subscribe such lists and file them forthwith with the Clerk of the Board.

Sec. 20. In making the estimate and assessment of the resi-^{Corporations} due of the highway labor to be performed in each road district, after assessing at least one day's work upon each of the male inhabitants therein above the age of twenty-one years, as provided in section nineteen of this Act, the Commissioner and Board of Supervisors shall include among the inhabitants of each road district among whom such residue is to be apportioned, all moneyed or stock companies and corporations which shall appear on the last assessment roll of the county, holding property, doing or having a place of business in such road district.

Sec. 21. Such moneyed or stock company or companies, or corporation or corporations, shall be notified by the Road Overseer of the road district in which such moneyed or stock company or companies, corporation or corporations, are or shall be assessed, to furnish the amount of highway labor assessed to them in the same manner as individuals residing in such road district, by giving oral or written notice to the President, Cashier, Agents, Treasurer, or Secretary of such money or stock company or companies, corporation or corporations, or any Clerk or other officer thereof, at the principal office or place of transacting the business or concerns of such company or corporation; which labor shall be performed in such road district as the Commissioner and Board of Supervisors may direct; and any number of days' work, not exceeding ten, may be required to be performed by such company or corporation in any one day.

Sec. 22. Every such money or stock company or corporation ^{commuta-}_{tion.} may commute for the highway labor assessed upon it in the same manner and at the same rate as is allowed by this Act to individuals, or by paying to the Overseer of Highways of the road district where such work is assessed such commutation, and taking a receipt therefor and filing the same with the Clerk of the Board of Supervisors, and the commutation money so paid may be expended by the Road Overseer of the road district to which such commutation shall be due.

Sec. 23. Such money or stock company or companies, corpora-^{Collection of}_{penalties.} tion or corporations, shall be liable to the same penalties for every day's work required, and for every default of any substitute sent by them, as is provided in this Act in the case of individuals required to work on highways, which shall be collected in the same manner, and paid over to the Overseer of the road district by the Constable collecting the same, and may be expended by them in the same manner as herein provided for the commutation money received from any such money or stock company or companies, corporation or corporations. The summons issued by any Justice of the Peace according to this Act, may be for any number of penalties incurred by any such money or stock

company or companies, corporation or corporations, previous thereto, and may be served in the manner provided in the Civil Practice Act of this State; and in case any such penalty cannot be collected as herein provided in a Justice's Court, the Commissioner of Roads and Highways of the county may file a bill in the District Court of the county where such penalty is incurred against any such delinquent money or stock company or corporation, and sequester its property, whereupon the same proceedings shall be had as are provided by law for the collection of State and county taxes assessed against incorporated companies, and the Court shall possess the like powers in respect to the same; and the said Commissioner may also recover such penalties or any number of them that may have been incurred, with costs, from such delinquent money or stock company or companies, corporation or corporations.

**Supervisors
to assess
omitted
property.**

SEC. 24. Whenever the Assessor of the county shall have omitted to assess any inhabitant or property in any road district in the county, the Commissioner of Roads and Highways and the Board of Supervisors, sitting for that purpose, shall assess the persons and property so omitted, and shall apportion highway labor upon such persons or property in the same manner as if they had been duly assessed upon the last assessment roll.

District lists.

SEC. 25. The Clerk of the Board of Supervisors shall make out a copy of the separate lists of each road district within the county, which copies of lists shall be certified by him and delivered to the Commissioner of Roads and Highways; and the Commissioner shall also subscribe the same and deliver to the respective Road Overseers such copies of lists, to be used in the respective road districts where such labor is assessed.

SEC. 26. The names of persons left out of any such list, and of new inhabitants, shall be added from time to time to the several lists by the Commissioner and the Board of Supervisors at any regular or special meeting of the Board, and they shall be rated by the Commissioner and Board of Supervisors in proportion to their real and personal estate, to work on the highways as others rated on such lists.

**Credit for
work on pri-
vate roads.**

SEC. 27. It shall be the duty of Overseers of Road Districts, with the consent of the Commissioner, to credit such persons as live on private roads and work the same, so much on account of their assessments as such Overseer may deem necessary to work such private road, or to annex, with the consent of the Commissioner, such private roads to some highway district.

**Distinction
of tax.**

SEC. 28. Whenever the Commissioner and Board of Supervisors shall assess the occupant for any land not owned by such occupant, they shall distinguish in their assessment lists the amount charged upon such land from the personal tax, if any, of the occupant thereof; but when any such land shall be assessed in the name of the occupant, the owner thereof shall not be assessed during the same year to work on the highways on account of the same land.

**Deduction
of tax from
rent.**

SEC. 29. Whenever a tenant of any land for a term less than ten years shall be assessed to work on the highways for such land, pursuant to the provisions of this Act, and shall actually perform such work or commute therefor, he shall be entitled to

a deduction from the rent due or to become due from him for such land, equal to the full amount of such assessment, estimating the same at the rate of two dollars per day, unless otherwise provided for by covenant or agreement between such tenant and his landlord.

SEC. 30. It shall be lawful for the inhabitants residing in any road district in said county to grade, gravel, or plank the road or roads in such district by anticipating the highway labor of such road district for one or more years, and applying it to the immediate construction of such plank or gravel road; and after the completion of such plank or gravel road, the said inhabitants shall be exempted from the labor so anticipated and applied, except so far as their labor may be necessary to keep their said road or roads in repair; *provided*, however, the Commissioner shall assent thereto in writing, and file such written assent in the office of the Clerk of the Board of Supervisors.

SEC. 31. It shall be the duty of Overseers of Roads to give at least two days notice to all persons assessed to work on the highways, and residing within the limits of their respective districts, of the time and place when and where they are to appear for that purpose, and with what implements; but no person being of the district shall be required to work on any highway other than in the district in which he resides, unless he shall elect to work in some district where he has any lands, and in such case he may, with the approbation of the Commissioner of Roads and Highways, apply the work assessed in respect to such land in the district where the same is situated.

SEC. 32. It shall be the duty of the several Overseers of Roads and Highways to notify the agent of every non-resident landholder whose lands are assessed, (if such agent reside in the district,) of the number of days such non-resident is assessed, and of the time when and the place where the labor is to be performed, which notice shall be given at least five days previous to the time appointed.

SEC. 33. If the Overseer cannot ascertain that such non-resident has an agent within such district, he shall post a written notice in the most public place in his district, containing a list of the names of such non-residents, when known, and a description of the tracts of land comprised in his list, together with the number of days labor assessed on each tract, and a specification of the time when and place where such labor is to be performed; which notice shall be posted at least twenty days before the time appointed for performing such labor.

SEC. 34. Every person liable to work on the highways shall work the whole number of days for which he shall have been assessed; but every such person, other than an Overseer, may elect to commute for the same, or for some part thereof, at the rate of two dollars per day for each day; in which case such commutation money shall be paid to the Overseer of the road district in which the person commuting shall reside, to be applied and expended by such Overseer in the improvement of the roads and bridges in the same district, under the direction of the Commissioner of Roads and Highways.

SEC. 35. Every person intending to commute for his assessment, or for any part thereof, shall, within twenty-four hours

after he shall be notified to appear and work on the highways, pay the commutation money for the work required of him by such notice, and the commutation shall not be considered as complete until such money be paid.

Teams, wagons, etc. SEC. 36. Every Overseer of Roads and Highways shall have power to require a team or a cart, wagon, or plough, with a pair of horses or oxen, and a man to manage them, from any person having the same within his district who shall have been assessed three days or more, and who shall not have commuted for his assessment; and the person furnishing the same upon such requisition shall be entitled to a credit of three days for each day's service therewith.

Substitute. SEC. 37. Every person assessed to work on the highways, and warned to work, may appear in person or by an able bodied man as a substitute, and the person or substitute so appearing shall actually work eight hours in each day, under the penalty of fifty cents for every hour such person or substitute shall be in default, to be imposed as a fine on the person assessed.

Penalties. SEC. 38. If any such person or his substitute shall, after appearing, remain idle, or not work faithfully, or hinder others from working, such offender shall for every offence forfeit the sum of four dollars.

Same. SEC. 39. Every person so assessed and duly notified, who shall not commute, and who shall refuse or neglect to appear as provided in this Act, shall forfeit for every day's refusal or neglect the sum of four dollars. If he was required to furnish a team, cart, wagon, man, or implements, and shall refuse or neglect to comply, he shall be fined as follows:

First—For wholly omitting to comply with such requisition, six dollars for each day;

Second—For omitting to furnish a cart, wagon, or plough, four dollars for each day;

Third—For omitting to furnish a pair of horses or oxen, four dollars for each day;

Fourth—For omitting to furnish a man to manage the team, two dollars for each day.

Complaint. SEC. 40. It shall be the duty of every Overseer of Roads and Highways, within thirty days after any person so assessed and notified shall be guilty of any refusal or neglect for which a penalty or fine is prescribed in this Act, unless a satisfactory excuse shall be rendered to him for such refusal or neglect, to make complaint on oath to any of the Justices of the Peace of the township.

Summons. SEC. 41. The Justice to whom such complaint shall be made shall forthwith issue a summons, directed to any Constable of the county, requiring him to summon such delinquent to appear forthwith before such Justice, at some place to be specified in the summons, to show cause why he should not be fined according to law for such refusal or neglect, which summons shall be served as provided by law in other cases.

Levy. SEC. 42. If, upon the return of such summons, no sufficient cause shall be shown to the contrary, the Justice shall impose such fine as is provided in this Act for the offence complained of, and shall forthwith issue a warrant under his hand and seal, directed to any Constable of the county, commanding him to

levy such fine, with the costs of the proceedings, of the goods and chattels of such delinquent.

SEC. 43. The Constable to whom such warrant shall be directed shall forthwith collect the moneys therein mentioned. He shall pay the fine, when collected, to the Justice of the Peace who issued the warrant, who is hereby required to pay the same to the Overseer who entered the complaint, to be by him expended in improving the roads and bridges in the district of which he is Overseer, under the direction of the Commissioner of Roads and Highways.

SEC. 44. Every penalty collected for a refusal or neglect to appear and work on the highways, shall be set off against the assessment upon which it was founded, estimating every two dollars collected as a satisfaction for one day's work.

SEC. 45. The acceptance by an Overseer of any excuse for non-exemption or neglect, shall not in any case exempt the person excused from commuting for or working the whole number of days for which he shall have been assessed during the year.

SEC. 46. Every Overseer of Roads and Highways shall, on or before the first day of January of each year, make out and file with the Clerk of the Board of Supervisors of the county a list of all the lands of non-residents and of persons unknown which were taxed on his lists on which the labor assessed by the Commissioner and Board of Supervisors has not been paid, and the amount of labor unpaid; and the said Overseer, previous to delivering or filing such list, shall make and subscribe an affidavit thereon before some Justice of the Peace of his county that he has given the notice required by the thirty-second section of this Act, and that the labor for which such land is returned has not been performed.

SEC. 47. If any Overseer shall refuse or neglect to file such list with the Clerk of the Board of Supervisors as prescribed in the last preceding section, or shall refuse or neglect to make the affidavit as therein directed, he shall for every such offence forfeit the sum of twenty dollars, and also the amount of tax or taxes for labor remaining unpaid at the rate of two dollars for each day, to be recovered by the Commissioner of Roads and Highways of the county, and to be applied by him in making and improving the roads and bridges in the road district to which such labor is due.

SEC. 48. It shall be the duty of the Clerk of the Board of Supervisors to receive and file the lists of the Overseers of Roads and Highways when delivered pursuant to the preceding sections of this Act, and to lay the same before the Board of Supervisors of the county at their first regular or called meeting thereafter.

SEC. 49. It shall be the duty of the Commissioner of Roads and Highways, with the consent of the Board of Supervisors, to be made known at their next regular or called meeting, forthwith to commence and prosecute civil actions in any Court of competent jurisdiction in his county for the amount of all such arrearages of labor, (estimating a day's labor at two dollars,) in his own name, and to enforce payment of any and all judgments in such cases in the same manner as is provided by the Civil

Practice Act of this State, which said Civil Practice Act is hereby made applicable to actions commenced or prosecuted by the Commissioner under the provisions of this section, so far as the same is applicable thereto and not inconsistent with the provisions of this Act; and, *provided*, the provisions of section four of said Civil Practice Act shall not be a bar to the commencement and prosecution of such actions in the name of said Commissioner; and all moneys except costs collected under the provisions of this section shall be applied by the said Commissioner to the construction and improvement of the roads and bridges in the road district for the benefit of which the labor was originally assessed.

Report
of Commis-
sioner.

SEC. 50. Every Overseer of Roads and Highways shall, on the third Monday of December of each year, render to the Commissioner of Roads and Highways an account in writing, verified by his oath, and containing:

First—The names of all persons assessed to work on the highways in the district of which he is Overseer;

Second—The names of all those who have actually worked on the highways, with the number of days they have so worked;

Third—The names of all those who have been fined, and the sums in which they have been fined;

Fourth—The names of all those who have commuted, and the manner in which the moneys arising from fines and commutations have been expended by him;

Fifth—A list of all lands which he has returned to the Clerk of the Board of Supervisors for the non-payment of taxes, and the amount of taxes on each tract of land so returned.

Payment.

SEC. 51. Every such Overseer shall also then and there pay to the Commissioner all moneys remaining in his hands unexpended, to be applied by the Commissioner in making and improving the roads and bridges in the road district for which such money was paid or collected.

Penalty
for neglect.

SEC. 52. If any Overseer shall refuse or neglect to render such account, or if, having rendered the same, he shall refuse or neglect to pay any balance which may then be due from him, he shall for every such offence forfeit the sum of fifty dollars, to be recovered with the balance of money remaining in his hands by the Commissioner of Highways of the county, and to be applied in the making and improving the roads and bridges in the road district of the Overseer from whom the same shall have been collected. It shall be the duty of the Commissioner of Roads and Highways to prosecute for such penalty in every instance in which no return is made.

Re-asses-
ment of
deficiency.

SEC. 53. Whenever it shall appear from the annual return of any Overseer of Highways, made in pursuance of this Act, that any person who was assessed to work on the highways, (other than non-residents,) has neglected to work the whole number of days to him assessed, and has not commuted for or otherwise satisfied such deficiency, then it shall be the duty of the Commissioner and Board of Supervisors to re-assess such deficiency to the person so delinquent at the next assessment of work for highway purposes, and to add to it his annual assessment. Such re-assessment shall not exonerate any Overseer of Highways

from any penalty which he may have incurred under section fifty-two of this Act.

SEC. 54. Every person liable to be assessed for highway labor may apply to the Commissioner of Roads and Highways of the county to alter, discontinue, or to lay out any road, or lay out and establish any new road affecting the lands of such person. Every such application shall be in writing, addressed to the Commissioner, and signed by the person applying.

SEC. 55. Whenever the Commissioner of Highways and Board of Supervisors shall lay out, alter, or discontinue any road or highway, either upon application to the Commissioner or otherwise, they shall cause a survey to be made of such road, and shall incorporate such survey in an order, to be made by and entered in the minutes of the Board of Supervisors, and showing the date of making such order; such survey, in all cases, to be of the centre of the road only, unless otherwise expressly required by order of the Board of Supervisors, and the order of the Board of Supervisors in all cases to specify the width of the road or highway.

SEC. 56. No public or private road shall be laid out through any orchard or garden without the consent of the owner thereof, if such orchard be of a growth of four years or more before the laying out of such road, nor through any buildings, fixtures, or erections for the purposes of mining, or trade, or manufactures, nor through any yards or inclosures necessary to the use or enjoyment thereof, nor through any inclosed, improved, or cultivated lands, without the consent of the owner and occupant thereof, except in the manner hereinafter provided.

SEC. 57. Every person who shall apply for the laying out of a highway through any such land, shall cause notices in writing to be posted up at three of the most public places in the road district where such land is situate at least twenty days before the meeting of the freeholders hereinafter provided for, and specifying as near as may be the route of the proposed highway, the several tracts of land through which the same is proposed to be laid, and shall also specify the time and place at which the freeholders and Commissioner will meet to examine the ground.

SEC. 58. If twelve freeholders of good repute of the road district through which the road is to be laid, not of kin to the owner thereof, nor interested in the lands through which the road is to be laid, and the Commissioner of Roads and Highways, shall appear at the time and place specified in the notice, the freeholders shall then be sworn by any officer authorized to administer oaths well and truly to examine and certify in regard to the necessity and propriety of the highway applied for, and the amount of damage which each owner and occupant will sustain by reason of the laying out such road or highway.

SEC. 59. The said Commissioner and freeholders shall then personally examine the route of such highway, and shall hear any reasons that may be offered for or against laying out the same. If they shall be of opinion that such highway is necessary and proper, they shall make and subscribe a certificate in writing to that effect, which shall be delivered to the Commissioner of Highways, and showing the amounts of damages awarded and found by them for each claimant, and the assent to

*Alteration
and laying
out of roads.*

or rejection of such awards of damages by each of such claimants thereof.

Notice.

SEC. 60. Before the Board of Supervisors and Commissioner shall determine to lay out the road or highway so applied for and certified, they shall cause notice in writing to be given to the owners and occupants of the land through which the road or highway is to run who have not assented to the damages awarded by the freeholders of the time and place at which they will meet to decide on the application. The notice shall be served by delivering the same to such owner or occupant, or, if the owner or occupant be absent, by leaving the same at his or her dwelling house, with some one of proper age and discretion, at least ten days before the time of meeting.

By publication.

SEC. 61. Whenever the owner of such lands, or any one owning an interest therein, resides without the county, such notice shall be given by publication in some newspaper published in the county, by insertion therein at least three consecutive weeks immediately preceding the date of meeting; such newspaper to be designated by the Commissioner, and most likely to be noticed by such owner, or his or her agent.

Proceedings of Supervisors.

SEC. 62. The Board of Supervisors and the Commissioner shall meet at the time specified in the notice and shall hear any reasons that may be offered for or against laying out the highway or road. If they shall determine to lay out such road or highway, they shall make out and subscribe a certificate of such determination, describing the road so laid out particularly by metes and bounds, and by its course and distance, and shall have the same filed with the Clerk of the Board.

Damages.

SEC. 63. The damages sustained by reason of the laying out and opening of such road or highway may be ascertained by the agreement of the owner or occupant and the Board of Supervisors and Commissioner at such meeting; provided, such damages do not exceed five hundred dollars to any one claimant; and, unless such agreement be made, or the owner of such land shall in writing release all claim to damages, the same shall be assessed as hereinbefore provided before such road or highway shall be opened or worked or used. Every such agreement or release shall be filed with the Clerk of the Board of Supervisors, and shall forever preclude such owner from all further claim for damages.

Action.

SEC. 64. Whenever the claimant and Board of Supervisors fail to agree in accordance with the provisions of section sixty-three of this Act, and the claimant of damages refuse or neglect, for the space of twenty days after award to him by the Board, to file in the office of the Clerk of the Board of Supervisors his written consent to the opening and establishing of such proposed highway or road and acceptance of the damages so awarded him by the Board of Supervisors, it shall be the duty of the Commissioner of Roads and Highways, within forty days after failure to agree, to commence an action in the District Court for the county where such lands are situate against the owner or occupant, setting forth the public necessity and demand for the use of the lands sought to be appropriated for public use, with an accurate description of such lands, and the actual damage, as near as may be, which will be sustained by the

defendant if such road or highway should be established and opened for public use; the complaint in such action shall also set forth the facts of disagreement on the amount of damages before the Board, and the refusal and neglect of the defendant for the space of twenty days to file with the Clerk of the Board of Supervisors the written consent to the establishment and opening of such highway or road hereinbefore provided for, and the amount awarded or offered to him by the Board.

SEC. 65. Such action shall be commenced and prosecuted to Action. final judgment in the name of the Commissioner of Roads and Highways, anything in any other Act to the contrary notwithstanding; and all costs and fees accruing under the provisions of this Act against the Commissioner shall be a charge against the Road Fund of the county, and shall be allowed and paid in the same manner as other demands against the Road Fund of the county, unless the defendant in such action shall fail to recover in such action a greater amount of damages than was awarded or offered to him by the Board, in which case the costs and fees shall be taxed against the defendant, and shall be first paid out of the damages recovered in such action by the defendant, if sufficient for that purpose, but if insufficient, then judgment and execution against the defendant, as in other actions at law.

SEC. 66. The Court shall have power in such actions, by the Jurytoassess damages. intervention of a jury, to assess and award the amount of damages to be sustained by the defendant, and to condemn the lands, and to declare, establish, and open the highway upon the payment to the defendant of the damages justly due him, under the judgment of the Court, according to the right; and in case of refusal of the defendant to accept or receive the amount so adjudged to him by the Court, when offered by the Commissioner, a tender of the amount in coin shall be equivalent to payment.

SEC. 67. All judgments rendered in the District Court under Judgment. the provisions of this Act may be enforced in the same manner as judgments in other civil actions; but all writs issued upon judgments rendered in the District Court condemning land for public use, shall direct and authorize the Sheriff of the county to put the Commissioner of Roads and Highways into possession of the land, particularly describing it, and the Sheriff shall have all the powers and authority to enforce such writs as are now conferred on him by law for the execution and enforcement of writs in civil cases.

SEC. 68. The District Attorney shall act as the attorney and, District Attorney. counsel of the Commissioner in cases arising under the provisions of this Act, and shall be entitled to a fee of twenty dollars for each case tried in the District Court, and such additional fee for trial of cases on appeal to the Supreme Court as the Board of Supervisors may by contract agree to pay him, not to exceed the sum of one hundred dollars in any one case; one half of the fee allowed for trial in the District Court in all Fees. cases to be a charge against and allowed and paid out of the Road Fund of the county as other demands against it, and the other half of such fee to be taxed as costs against the defendant in all cases where the judgment in his favor is for no

Costs.

greater amount of damages than was awarded to him by the Board of Supervisors and Commissioner, otherwise the whole fee shall be allowed the District Attorney out of the Road Fund.

SEC. 69. In all cases where the defendant in such action recovers more damage than was awarded to him by the Board and Commissioner, the cost shall be taxed against the Commissioner, and shall be paid out of the County Road Fund, the same as other demands against said fund.

Payment of damages.

SEC. 70. Whenever damages are awarded to the defendant by the judgment of the District Court, the amount thereof shall be drawn from the County Treasurer by the Commissioner upon the order of the Board of Supervisors, in like manner as other moneys, and shall be by him paid to the defendant, deducting in proper cases the fees and costs; and in case the defendant refuse to receive the amount so awarded to him when tendered, the Commissioner shall forthwith return the amount to which the defendant would be entitled to the Treasurer, and take duplicate receipts for the same, and deposit one of such receipts with the Auditor, who shall thereupon file the same, and charge the amount thereof to the Treasurer, who shall place the same in the County Road Fund; *provided*, the same may, upon the order of the Board of Supervisors, be paid to the defendant entitled thereto at any time within six months after such deposit, otherwise it shall become a part of the County Road Fund.

Supervisors to appoint Commis-
sioner.

SEC. 71. Until the general election in the year one thousand eight hundred and sixty-seven, the Board of Supervisors of said county shall have power, and it is hereby made their duty, to designate and appoint some suitable person to the office of Commissioner of Roads and Highways, who shall give bonds and qualify before entering upon the duties of his office in the same manner as though he was elected under the provisions of this Act, and shall be subject to the same liabilities, duties, and responsibilities, and shall hold his office until his successor is elected and qualified.

Salary.

SEC. 72. The Commissioner of Roads and Highways shall receive an annual salary of one thousand dollars, to be paid out of the Road Fund of the county in quarterly instalments, in the same manner that other county officers are paid.

Levy of tax.

SEC. 73. The Board of Supervisors shall, prior to the first Monday of March, one thousand eight hundred and sixty-six, and annually on the first Monday of each year thereafter, levy a tax of not less than one nor more than four tenths of one per cent on all the taxable property within the county, which tax shall be collected at the same time and in the same manner as State and county taxes, which tax shall be paid into and constitute a County Road Fund; *provided*, that subsequent to the first Monday in March, one thousand eight hundred and sixty-seven, the Board of Supervisors in their discretion may reduce such tax to such less sum as in their judgment will be sufficient to meet and defray the necessary expense of opening roads and highways within the county, and keeping and maintaining the roads and bridges in repair.

SEC. 74. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 75. This Act shall take effect from and after its passage.

CHAP. CXCVIII.—An Act to authorize the executors of Joseph L. Folsom, deceased, to sell real estate of their testator at private sale without notice.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Henry W. Halleck and Archibald C. Peachy, ^{Authority to sell.} executors of the last will and testament of Joseph L. Folsom, deceased, are hereby authorized to sell at private sale, without the posting or publication of notice of sale as required by the general law in cases of sales of real estate of deceased persons, any of the real estate belonging to the estate of the said Folsom which the said executors were authorized to sell at private sale by an order of the Probate Court of the City and County of San Francisco, made on the seventeenth day of November, eighteen hundred and sixty-five, in the matter of said estate; such sales so made shall be subject to the approval of said Probate Court, as though made by order thereof, after legal notice; *provided*, that before proceeding to such sale the executors shall ^{Proviso.} make and file in the Probate Court a bond, with two or more good and sufficient sureties, conditioned for the faithful performance of all the duties imposed upon the executors by virtue of such sale; the amount of such bond to be filed, and the bond approved by the Judge of the Probate Court having jurisdiction of such estate.

SEC. 2. This Act shall take effect and be in force from and after its passage.

JOHN YULE,
Speaker of the Assembly.
S. P. WRIGHT,
President of the Senate pro tem.

This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this eighth (8th) day of March, A. D. eighteen hundred and sixty-six.

JOHN YULE,
Speaker of the Assembly.
T. N. MACHIN,
President of the Senate.

Witness my hand and the Great Seal of State, this eighth day of March,
A. D. eighteen hundred and sixty-six.

{
SEAL.
}

B. B. REDDING,
Secretary of State.

CHAP. CXCIX.—An Act to secure to the Miners of this State pure and unadulterated Quicksilver.

[Approved March 10, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every company or person within this State ^{Stamp.} engaged in the production of quicksilver by mining for the pur-

poses of sale, and every firm, company, or person importing into this State quicksilver for the purpose of sale, shall cause to be prepared a metallic stamp, of such form and character as may enable such company or person to impress upon wax or other plastic material the seal hereinafter provided. Such stamp shall be so constructed that either by characters engraved upon the same, or moveable types and dies connected therewith, there may be impressed a seal, showing:

Seal.

First—The name of the company, firm, or person producing or importing the quicksilver;

Second—The date at which such seal is applied to each tank or vessel of quicksilver;

Third—The amount of quicksilver contained in such tank or vessel.

How and where to impress seal.

SEC. 2. Before any tank of quicksilver shall leave the works of any mining company engaged in the production of the same for sale, or the warehouse of any firm or person importing such quicksilver for sale, such company, firm, or person shall cause a seal of wax or other plastic material adapted to the purpose to be applied to the tap, plug, or orifice through which such tank is filled, and in such manner that such tap or plug cannot be removed or disturbed or such orifice opened without breaking or displacing such seal. Such seal when thus applied shall be impressed with the stamp above provided, in such manner that such seal shall exhibit plainly all the characters required of such stamp.

Penalty for forging seal.

SEC. 3. Any person who shall forge or falsely fabricate the stamp or seal of any company, firm, or person, as herein provided, or attach the same to any tank or vessel of quicksilver, shall be deemed guilty of forgery, and, upon conviction, shall be punished by imprisonment in the State Prison for the period of not less than one nor more than five years.

Adulterated quicksilver.

SEC. 4. Any person who shall wilfully and knowingly adulterate and debase any quicksilver designed for sale or that may hereafter be offered for sale, by mixing with such quicksilver any lead, antimony, or other base metal, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in a sum not exceeding one thousand dollars, or imprisonment in the County Jail not exceeding one year, or both such fine and imprisonment.

Sale thereof.

SEC. 5. Any vendor of quicksilver who shall vend or sell to any person any quicksilver debased or adulterated by mixture with the same of any lead, antimony, or other base metals, shall be liable to the purchaser of such quicksilver for all the damages and injury sustained from such debasement, to be recovered by such purchaser in a civil action. And such damages, when ascertained by the Court or jury, shall be at once quadrupled by the Court, or by the Clerk, by order of the Court, and judgment for four times the damages proven shall be entered in favor of the plaintiff and against such defendant; *provided*, that nothing contained in this section shall be taken to apply to any person selling quicksilver that has been already employed in mining or the mechanical arts, and who when selling the same shall state to the purchaser that such quicksilver has been thus employed.

Proviso.

CHAP. CC.—*An Act to provide for fencing the plot of ground occupied as a State burial ground.*

[Approved March 10, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Trustees of the State burial ground are hereby authorized and empowered to contract for and have erected around the plot of ground now occupied as a State burial ground, a good and substantial iron fence at a cost not to exceed twelve hundred and fifty dollars, (\$1250,) the same to be paid for out of the General Fund.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCI.—*An Act to provide pay for trial jurors and witnesses in criminal cases in Humboldt County.*

[Approved March 10, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In the County Court and District Court of Humboldt County trial jurors and witnesses in criminal cases shall receive two dollars per day for services, and twenty cents per mile for travelling to the place of trial; and when such fees cannot be collected of the parties on trial, they shall be audited and paid from the General County Fund as other accounts against the County are audited and paid.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCII.—*An Act to establish a Police Court in the City of Oakland, and define its jurisdiction, duties, and fees of Court, and its officers.*

[Approved March 10, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A Police Court is hereby established in the City of Oakland.

SEC. 2. There shall be elected at the charter election of said city, held on the first Monday of March, A. D. eighteen hundred and sixty-seven, a Police Judge in and for said city, who shall hold his office for two years, and until his successor is elected

and qualified; and the City Council of Oakland shall have power to elect a Police Judge, who shall hold his office until the first Monday of March, eighteen hundred and sixty-seven, and until his successor shall be elected and qualified as aforesaid.

Jurisdiction. SEC. 3. The Police Court of the City of Oakland shall have jurisdiction of the following public offences committed in the City of Oakland:

First—Petit larceny;

Second—Assault and battery, not charged to have been committed upon a public officer in the discharge of his official duty, or with intent to kill;

Third—Breaches of the peace, riots, affrays, committing wilful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment;

Fourth—Of proceedings respecting vagrants, lewd, or disorderly persons.

SEC. 4. Said Court shall have jurisdiction:

Violation of ordinances. *First*—Of all proceedings for violation of any ordinance of said city, both civil and criminal;

Taxes. *Second*—Of any action for the collection of any and all taxes and assessments levied in said city for city purposes; or for the erection or improvement of any school house or public buildings; for the laying out or opening or improving any public street, or sidewalk, lane, alley, bridge, wharf, pier, dock; or for the purchase of or the improvement of any public grounds; or for any and all public improvements made and ordered by said city within its limits when the amount of said tax or assessments sought to be collected against the person, firm, or corporation assessed is less than three hundred dollars; *provided*, no lien upon the property taxed or assessed for the non-payment of the taxes or assessment is sought to be foreclosed by said suit;

Collection of city money. *Third*—Of an action for the collection of money due to the City of Oakland, or from the city to any person, firm, or corporation, when the amount sought to be collected, exclusive of interest and costs, is less than three hundred dollars;

Bonds. *Fourth*—For the breach of any official bond given by any city officer, and for the breach of any contract, and any action for damages in which the city is a party, or is in any way interested; and all forfeited recognizances given to or for the benefit, or in behalf of said city; and upon all bonds given upon any appeal taken from the judgment of said Court in any action above named where the amount claimed, exclusive of costs, is less than three hundred dollars;

Recovery of city property. *Fifth*—For the recovery of personal property belonging to the city when the value of the property (exclusive of the damages for the taking or detention) is less than three hundred dollars;

Licensee. *Sixth*—Of an action for the collection of any license required by any ordinance of said city.

Exclusive jurisdiction. SEC. 5. The Police Court shall have exclusive jurisdiction of all proceedings mentioned in sections three and four of this Act, (and no other Justices in said city shall have power to try and decide cases mentioned in said sections); *provided*, that in those cases in which the Judge is a party, or in which he is interested,

or where the Judge is related to either party by consanguinity or affinity within the third degree, in which cases, and also in case of the sickness or inability of the Police Judge, the said Judge may call in a Justice of the Peace residing in said city to act in his place and stead.

SEC. 6. The Judge of said Court shall also have power to hear cases for examination, and may commit and hold the offender to bail, for trial in the proper Court, and may try, condemn, or acquit, and carry his judgment into execution, as the case may require, according to law, and to punish persons guilty of contempt of Court, and shall have power to issue warrants of arrest in case of a criminal prosecution for a violation of a city ordinance, as well as in case of the violation of the criminal law of the State; also, all subpoenas and all other processes necessary to the full and proper exercise of his power and jurisdiction; and all judgments of fines imposed by the Police Judge, not exceeding thirty-five dollars, shall be final and without appeal.

SEC. 7. The Police Court shall have the same jurisdiction in ^{same.} civil cases as Justices of the Peace; and the Judge of said Court shall have the right to administer oaths, to take and certify acknowledgments to deeds and other instruments, to celebrate marriages, and do and perform any and all duties which by law may be performed by a Justice of the Peace.

SEC. 8. All fines and other moneys collected on behalf of the city in the Police Court shall be paid into the City Treasury on the first Tuesday of each month; and all bills for fees and costs due the officers of said Court, shall be submitted to the City Council at the same time the Police Judge makes his monthly report.

SEC. 9. The City Council shall furnish a suitable room for ^{Dockets, blanks, etc.} the holding of said Court, and shall also furnish the necessary dockets and blanks. One docket shall be styled "The City Criminal Docket," in which all the criminal business shall be recorded, and each case shall be alphabetically indexed; another docket shall be styled "The City Civil Docket," and it shall contain each and every civil case in which the city is a party, or which is prosecuted or defended for her interest, and each case shall be properly indexed. A third docket shall contain all the other business appertaining to the office, and in all cases the docket shall contain all such entries as are required by law to be made in Justices' dockets; and in any case tried before the Court, the docket must show what duties were performed by any officer of the Court and the amount of the fees due to the officer for such services, and what amount of money, if any, collected.

SEC. 10. Whenever any vacancy shall occur in the office of Police Judge, the City Council shall appoint some suitable person to fill the same until the next charter election, at which election the person elected Judge of said Court shall hold his office for two years thereafter, and until his successor is elected and qualified.

SEC. 11. The Police Court shall be always open, except upon non-judicial days, and then for such purposes only as by law permitted or required of other Courts of this State.

Appeals. SEC. 12. Appeals from the Police Court shall be to the County Court of Alameda County, (in such cases as are appealable as provided in this Act,) such appeals to be taken as in cases of appeal from a Justice's Court.

Fees. SEC. 13. The Police Judge shall receive for all services rendered by him the same fees as are allowed by law to Justices of the Peace for similar services. The Marshal or Constable performing any service in said Court shall receive the same fees as are allowed by law to the Sheriff of the County of Alameda for similar services. The City Attorney shall receive the same fees as are allowed by law to the District Attorney of Alameda County for similar services, and such as are allowed by the ordinances of the city. In all suits for the collection of delinquent taxes, where the sum due is less than ten dollars the City Attorney shall be allowed one dollar and fifty cents, if paid before judgment, and two dollars and fifty cents if paid after judgment.

Prison. SEC. 14. In all cases of imprisonment of persons convicted of any offence committed in the City of Oakland, of which offence the Police Court has jurisdiction to try and determine, the person so to be imprisoned, or by ordinance required to labor, shall be imprisoned in the City Jail of the City of Oakland, or if required to labor shall labor in said city.

Clerk. SEC. 15. Whenever the necessities of the case may require, the City Council may appoint a Clerk for said Court, at a salary to be fixed by the City Council.

Bonds. SEC. 16. The Court shall have a seal, to be furnished by the city.

Report. SEC. 17. The person elected to the office of Police Judge shall, within ten days after he has received his certificate of election, qualify and file his official bond, payable to the City of Oakland, with two or more sufficient sureties, in a sum of not less than three thousand dollars, to be fixed by the City Council, for the faithful discharge of his official duties; and the Clerk shall also qualify and file an official bond, payable to the City of Oakland, in such sum as the City Council may require.

Salary. SEC. 18. The Police Judge shall, on the first Tuesday of each month, make to the City Council a full and complete report of all the cases, civil and criminal, tried in his Court in which the city has an interest, and which are required to be entered in the city civil docket, and in the city criminal docket; said report to be made upon blanks furnished by the City Council, and in such form as may be required by said Council.

Transcripts shall be evidence. SEC. 19. The City Council may in their discretion, in addition to the fees allowed by this Act to the Police Judge, allow said Judge a yearly salary in such sum as to them may appear reasonable.

SEC. 20. Certified transcripts of the Police Judge's docket, under the seal of said Court, shall be evidence in any Court of this State of the contents of said docket; and all warrants and other processes issued out of said Court, and all acts done by said Police Judge under its seal, shall have the same force and validity in any part of this State as though issued or done by any Court of record of this State.

SEC. 21. All laws and parts of laws in conflict or inconsistent with this Act are hereby repealed.

SEC. 22. This Act shall take effect and be in force from and after its passage; *provided*, the Mayor and Justices of the Peace in said city shall not be divested of their jurisdiction as prescribed in this Act until the Police Judge is elected and qualified; and, *provided*, further, that said Mayor and Justices shall have power to fully try and determine all matters and causes pending in their Courts at the time of the qualification of said Police Judge, and may carry their judgments into execution as fully as if this Act was not in force.

CHAP. CCIII.—*An Act making appropriations for deficiencies in the appropriations made for the fifteenth, sixteenth, and seventeenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-six.*

[Approved March 10, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums of money are hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, for the objects herein named, to wit:

For expenditures at the State Insane Asylum, thirteen thousand three hundred and fifty-nine dollars.

For expenditures at the State Prison, thirty-five thousand dollars.

For balance due for the construction of additional cells at the State Prison, ten thousand four hundred and thirty-two dollars.

For expenditures at the State Reform School, seven thousand dollars.

For stationery, lights, and fuel for Legislature and State offices, to be expended under the direction of the Secretary of State, ten thousand dollars.

For posting and cancelling coupons, to be expended by the State Treasurer, three hundred dollars.

For pay of clerks in office of Adjutant-General, twenty-eight hundred and fifty dollars.

For translating into Spanish the Governor's biennial message, the reports of State officers, the laws, and other documents ordered by the present Legislature, five thousand five hundred dollars.

For postage, expressage, and telegraphing in the Governor's office, and for telegraphing to Washington resolutions of the Legislature, to be expended by the Governor, five hundred dollars.

For deficiency in the office of State Stamp Inspectors, for salaries, percentages, and contingent expenses for the fifteenth fiscal year, sixteen hundred and ninety-three dollars and fourteen cents, (\$1,693 14.)

For deficiencies in said office for sixteenth fiscal year, one thousand one hundred dollars and sixty-four cents, (\$1,100 64.)

For deficiency in said office for seventeenth fiscal year, one thousand two hundred dollars, (\$1,200.)

For deficiencies in the office of State Printer, twenty-three thousand dollars.

For extra services of W. L. Hawkins in State Library for the present session of the Legislature, two hundred dollars.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCIV.—*An Act to fix the terms of the County Court and Probate Court of the County of Sonoma.*

[Approved March 10, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

**Terms
of Court.**

SECTION 1. The regular terms of the County Court in and for the County of Sonoma shall be held at the county seat of said county on the first Monday of January, April, July, and October in each year. The regular terms of the Probate Court in and for the County of Sonoma shall be held at the county seat of said county on the first Monday of every month in each year.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed. This Act shall take effect from and after its passage.

CHAP. CCV.—*An Act fixing the compensation of the Sheriff of the County of Stanislaus, and to provide for the payment of the same.*

[Approved March 10, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

**Jailor's
salary.**

SECTION 1. In addition to the fees now provided for by law, the compensation of the Sheriff of the County of Stanislaus for services as Jailor is hereby fixed at fifty dollars per month; provided, that this Act shall not be so construed as to include the board of prisoners who may be confined in the Jail of said county.

**Allowance
of claim.**

SEC. 2. The Board of Supervisors of said county are hereby authorized and required to audit and allow the claim of said Sheriff for such services from the first day of January, A. D. eighteen hundred and sixty-four, at the rate of fifty dollars per month, deducting any allowance which shall have been heretofore made therefor, such compensation to be audited and paid out of the General Fund of said county, as other evidences of county indebtedness.

SEC. 3. This act shall take effect from and after its passage.

CHAP. CCVI.—*An Act to create an Interest and Sinking Fund for Klamath County.*

[Approved March 10, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Klamath County ^{Levy of tax.} shall, in addition to other taxes provided for by law, levy a special tax annually upon the taxable property in said county of one half of one per cent, and said tax shall be collected at the same time and in like manner as other taxes are collected in said county.

SEC. 2. The tax provided for in the first section of this Act, ^{now applied.} together with forty per cent of all moneys received into the County Treasury for county purposes from the sale of foreign miners' licenses, shall be set aside and kept as a special fund, to be called the Interest and Sinking Fund, and shall be held and disbursed as is hereinafter provided.

SEC. 3. The County Treasurer of Klamath County shall, ^{Transfer of funds.} immediately after the passage of this Act, transfer all moneys remaining in the Interest Fund of said county to the Interest and Sinking Fund created by the provisions of this Act, and the moneys so transferred shall be applied to the same purposes and expended in the same manner as other moneys paid into said fund under the provisions of the second section of this Act.

SEC. 4. The Treasurer of said county shall, during the first week in October, eighteen hundred and sixty-six, and annually thereafter, give notice that he will, on the first day of November following such notice, pay the interest for the preceding year on the bonds issued in pursuance of an Act to provide for the funding of the indebtedness of the County of Klamath, approved March thirty-first, eighteen hundred and fifty-seven; and it shall be the duty of said Treasurer to pay the interest on said bonds for the year next preceding such notice, upon the presentation of said bonds at his office, within sixty days after the first day of November following such notice.

SEC. 5. It shall be the duty of the Treasurer of said county ^{Surrender of bonds.} during the first week of January, eighteen hundred and sixty-seven, and annually thereafter, to give notice by publication in some newspaper published at or nearest to the county seat of said county, that sealed proposals directed to him for the surrender of the bonds of said county will be received by him up to the last day of the session of the Board of Supervisors of said county for the February term following such notice.

SEC. 6. On the last day of the session of the Board of Super- ^{Proposals.} visors for the February term following said notice, they, together with the Auditor and Treasurer, shall open all proposals received for the surrender of the bonds of said county, and accept the lowest bids offered until they shall have accepted an amount sufficient to exhaust all the money then in said Interest and Sinking Fund. The bids being equal, the preference shall be given to the smallest amount of bonds offered; *provided*, that no bid for more than par value shall be received, nor any bid, unless

accompanied by the bonds proposed to be surrendered, shall be accepted.

Acceptance of bids. SEC. 7. When any bids are accepted, the County Auditor and County Treasurer shall each take a description of the number and amount of bonds to be redeemed, specifying the amount to be paid for each bond, and make a several record thereof in their respective offices; and thereupon the Board of Supervisors shall make an order directing the County Treasurer to purchase the bonds designated in the accepted bids, and pay for the same out of the Interest and Sinking Fund, and the bonds so redeemed shall be cancelled; and the County Treasurer shall write on the face of said bonds "purchased," and the amount paid for the same, and shall sign his name thereto. The order of the Board of Supervisors directing the Treasurer to purchase said bonds, together with the record made by the Auditor, shall be sufficient vouchers for the Treasurer in the settlements of his accounts. The Treasurer shall return all unaccepted bids, together with the bonds therein contained, to the owners, on demand.

Redemption SEC. 8. Whenever there shall be a sufficient sum of money in said Interest and Sinking Fund to pay all outstanding bonds of said county, together with the interest due thereon, it shall be the duty of the Treasurer of said county to give notice by publication in some newspaper published at or nearest to the county seat that he will pay said bonds, together with the interest due thereon; and it shall be the duty of said Treasurer to pay said bonds, together with the interest due thereon, upon the presentation of said bonds at his office within ninety days from the date of said notice.

Transfer of funds. SEC. 9. At the expiration of ninety days from and after the publication of the notice specified in preceding section, the Treasurer of said county shall transfer all moneys then remaining in the Interest and Sinking Fund to the General Fund of said county, to be used as are now other moneys in said General County Fund.

SEC. 10. This Act shall take effect from and after its passage, and continue in force until ninety days from and after the publication of the notice provided for in the eighth section of this Act.

CHAP. CCVII.—*An Act making the office of County Assessor of Merced County a salaried office.*

[Approved March 10, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary. SECTION 1. From and after the first Monday in March, eighteen hundred and sixty-eight, the Assessor of Merced County shall receive for his services, annually, the sum of five hundred dollars, the same to be paid in the manner that other county dues are paid in said county.

SEC. 2. The Assessor of said county is hereby made liable on his official bond for the taxes on all taxable property within the county, when, through his neglect, it remains unassessed; and it is hereby made the duty of the District Attorney of said county to commence suit against such Assessor and his sureties for the amount of taxes due on all property not assessed by him; provided, that such suit shall not be commenced until after the Assessor shall have completed the assessment roll each year; and if any non-assessment was caused by the refusal of the owner, claimant, or agent of such property, or if the person or persons having it in possession, or under his or their control or charge, [refuse] to give a list to the Assessor, the Assessor shall not be liable, but the person whose refusal to give the Assessor a list caused the omission shall pay double the taxes imposed upon property regularly assessed.

SEC. 3. This Act shall be in force and take effect from and after the first Monday in March, eighteen hundred and sixty-eight.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. CCVIII.—*An Act to provide for the collection of information relating to the agricultural and other industrial pursuits of this State.*

[Approved March 10, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the several County, District, and Township Assessors of this State, at the time of making their annual assessments, to collect a full and true statement of all the agricultural and industrial pursuits and products of their several counties, districts, and townships, for the preceding year, and such other information as they may be required by the Surveyor-General to collect, and to report the same to the office of the Surveyor-General, between the first day of September and the first day of November of each year, upon blanks to be furnished by him.

SEC. 2. The Board of Supervisors of the several counties of this State are hereby directed to reserve in their final settlement with their County, District, and Township Assessors, a sum equal to twenty-five per cent of the amount allowed by the State for making his annual assessment, until he shall furnish the certificate of the Surveyor-General that a satisfactory report, as provided in section one of this Act, has been received at his office, which certificate shall in all cases be given when a satisfactory report has been made.

SEC. 3. The Surveyor-General shall furnish to the Secretary of the Board of Agriculture a duplicate copy of each statistical

Assessor to collect information.

report of the Assessors as soon as the same may be received by him.

SEC. 4. The Surveyor-General shall forward a printed copy of this Act to each of the Board of Supervisors in this State, and to each of the County, Township, and District Assessors.

SEC. 5. This Act shall take effect immediately.

CHAP. CCIX.—*An Act to authorize the Treasurer of Santa Cruz County to collect the taxes of said county, and relating to the salary of said Treasurer.*

[Approved March 10, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

**Treasurer
to be
TaxCollector** SECTION 1. That from and after the first Monday in March, A. D. eighteen hundred and sixty-eight, the Treasurer of the County of Santa Cruz shall be ex officio Tax Collector of said county. He shall be liable under his official bond as Treasurer for all taxes collected by him as Tax Collector; and shall, before entering upon the discharge of the duties of his office as such Tax Collector, take an official oath for the faithful performance of the same. All duties and liabilities at present imposed upon the Sheriff of said county as ex officio Tax Collector shall devolve on the Treasurer as ex officio Tax Collector; and the official bond of said County Treasurer shall in all cases be held liable for the faithful discharge of his duties as ex officio Tax Collector of said county; *provided*, that the Sheriff of said county shall retain the right and it shall be his duty to collect the licenses and poll taxes in said county the same as before the passage of this Act.

Proviso. **Compensa-**
tion. SEC. 2. Said Treasurer shall receive as a full compensation for his services each year as such Treasurer and Tax Collector, the percentage allowed by law for collecting and disbursing the State revenue, and in addition thereto a sufficient sum, payable out of the County Fund, so as to make his whole compensation as such Treasurer and Tax Collector twelve hundred dollars each year.

SEC. 3. All general laws relating to Sheriffs as Tax Collectors shall apply to and govern the Tax Collector herein named, except where such general laws are inconsistent with the provisions of this Act.

SEC. 4. All Acts or parts of Acts in conflict with the provisions of this Act, so far as they apply to the County of Santa Cruz, are hereby repealed.

CHAP. CCX.—An Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same, and other matters relating to the revenue of said county.

[Approved March 10, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Santa Cruz County are hereby authorized to issue and sell not exceeding twenty thousand dollars of the bonds of said county, payable at the option of said Board at any time within ten years from the date of issuance of said bonds, in gold coin, and to bear interest at the rate of ten per cent per annum, payable semi-annually in gold coin, on the second days of January and July in each year.

Sec. 2. Said bonds shall be in not less than twenty nor more than five hundred dollars; shall bear the date of their issuance, and shall be signed by the Chairman of the Board of Supervisors, the County Auditor, and the County Treasurer of said county; coupons for the interest shall be attached to each bond, signed by the Chairman of the Board of Supervisors and the County Treasurer.

Sec. 3. Before the sale of any of said bonds the said Board of Supervisors shall, at a regular meeting of said Board, cause to be entered upon the records of said Board an order directing the sale of a specified amount of said bonds, and the day and hour of such sale, which shall not be less than thirty days after the entry of said order, and shall cause a copy of such order to be inserted in a newspaper published in said county for at least twenty days, and a notice that sealed proposals will be received by the said Board for the purchase of said bonds. On the day and hour named in said order the said Board shall open all sealed proposals received by them, and shall award the purchase of said bonds to the highest responsible bidder; *provided*, that said Board may reject all bids; and, *providing*, further, that no bonds shall be sold for less than eighty-five cents on the dollar par value.

Sec. 4. The said Board may sell said bonds at not less than ninety cents on the dollar, par value, without the notice provided for in the preceding section.

Sec. 5. The amount of the bonds sold, their number, and dates, shall be entered upon the records of said Board.

Sec. 6. The proceeds of the sale of said bonds shall be paid into the County Treasury, and shall be expended under the direction of said Board of Supervisors for the purpose of building a Court House.

Sec. 7. After any of said bonds are sold, and until all bonds sold are redeemed, the said Board are hereby authorized and it shall be their duty to levy annually, at the same time that other State and county taxes are levied, a tax of twenty cents on each one hundred dollars value of taxable property in said county; *provided*, that in the year A. D. eighteen hundred and sixty-six said tax may be levied at any time before the second Monday in June. Such tax when collected shall constitute a

Interest Fund. fund for the payment of the interest on said bonds, and shall be named the "Interest Fund;" and if any interest shall be due on said bonds, and there is no money in said "Interest Fund" to pay the same, the County Treasurer shall transfer to the said "Interest Fund," from any or all of the other funds of said county, except the School Funds, a sufficient sum to pay said interest. All moneys remaining in said "Interest Fund" on the second day of July, in the year A. D. eighteen hundred and sixty-seven, after all the interest then due has been paid, shall be transferred to such other funds as the said Board of Supervisors may direct.

Redemption SEC. 8. Whenever, on the second day of July in each year, after the year eighteen hundred and sixty-seven, there shall remain in said "Interest Fund," after all the interest then due has been paid, a sum of five hundred dollars or more, the said Board of Supervisors shall advertise in a newspaper published in said county, for the space of three weeks, for sealed proposals for the redemption of said bonds; and one week from the expiration of the time of such publication the said Supervisors shall open the sealed proposals, and shall pay the bonds offered at the lowest price as far as the money in the Interest Fund will extend; *provided*, that no bids shall be considered for more than the par value of said bonds. Should there be no proposals made for par value or less, then the money in said Interest Fund shall be used for the redemption of the said bonds according to the number of their issue, of which the County Treasurer shall give the same notice as is required by law in the case of redemption of county warrants; and from the date of said notice the bonds proposed to be redeemed shall cease to draw interest; and if any of such bonds shall not be presented for redemption within three months from the date of such notice the County Treasurer shall apply the money for the redemption of bonds next in order of the number of their issue.

Cancellation SEC. 9. Whenever any bond shall have been paid the County Treasurer shall mark the same "cancelled" over his signature and return the same to the County Auditor, in the same manner as redeemed county warrants, with the interest coupons which are not then due attached.

Contingent levy of tax. SEC. 10. In the event the said bonds or a sufficient amount of the same cannot be sold at the minimum price as provided in section three, the Board of Supervisors are authorized to levy annually a tax of not exceeding fifty cents on each one hundred dollars in value of taxable property in said county for the purpose of building a Court House; said tax to be levied at the same time that other State and county taxes are levied, except, in the year A. D. eighteen hundred and sixty-six, it may be levied at any time previous to the second Monday in June. The levying of said tax should cease as soon as a Court House has been built and paid for, or as soon as sufficient bonds have been sold to pay for the building of the same.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAP. CCXI.—*An Act to regulate fees in office of the Sheriff, also, providing for additional Deputies for the County Recorder, in Nevada County.*

[Approved March 10, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Such fees are allowed to the Sheriff, in the County ~~fees~~ of Nevada, for services rendered in discharging the duties imposed on him by law, as herein provided, and he may lawfully charge, demand, and receive the same, and shall receive no other fees or charges except as in this Act provided.

For serving a summons and complaint in civil suits, or any other process by which an action or proceeding is commenced, on every defendant, two dollars.

For travelling in making such service, per mile, in going only, to be computed in all cases from the Court House of the county, fifty cents; *provided*, that if any two or more papers required to be served in the same suit at the same time, one mileage only shall be charged.

For taking bond or undertaking in any case in which he is authorized to take the same, two dollars.

For copy of any writ, process, or other paper, when demanded or required by law, for each folio, thirty cents.

For serving every notice, rule, or order, one dollar.

For serving a subpoena, for each witness summoned, fifty cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or an order for the delivery of personal property, and with travelling [fee,] as on a summons, two dollars; but no travelling fees shall be allowed on such attachment, or order of arrest, or order for the delivery of personal property, when the same accompanies the summons in the suit, and may be executed at the time of service of summons, unless for the distance actually travelled beyond that required to serve the summons.

For making and posting notice and advertising property for sale on execution, or under any judgment or order of sale, not to include the cost of publication in newspaper, three dollars.

For commissions for receiving and paying over money on execution or process, where lands or personal property has been levied on, advertised, and sold, on the first one thousand dollars, three per cent, and on all sums above that sum, two per cent.

For commissions for receiving and paying over money on execution without levy, or where the land or goods levied on shall not be sold, two per cent.

The fees herein allowed for the levy of an execution, and for advertising, and for making or collecting the money on execution, shall be collected from the defendant by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing every Sheriff's deed, to be paid for by the grantee, who shall, in addition, pay for the acknowledgement thereof, five dollars.

Fees. For serving a writ of possession or restitution, putting any person entitled into possession of premises, and removing the occupant, five dollars.

For travel in the service of any process not hereinbefore mentioned, for each mile necessarily travelled, in going only, fifty cents.

For attending, when required, on any Court, in person or by deputy, for each day, to be paid out of the County Treasury, four dollars.

For bringing up a prisoner on habeas corpus to testify or answer in any Court, or for examination as to the cause of his arrest and detention, or to give bail, two dollars, and for travel, each mile from the Jail, in going only, fifty cents; he shall also be allowed such further compensation for his trouble and expense in taking possession of property under attachment or execution or other process, and of preserving the same, as the Court from which the writ or order may issue shall certify to be just and reasonable.

For holding an inquest or trial of the rights of property, when required, to include all services in the matter except mileage, five dollars.

For attending on Supreme Court, either in person or by deputy, to be paid out of the State Treasury as other claims, for each day, five dollars.

For every arrest in a criminal proceeding, three dollars.

For serving each subpoena in criminal proceedings, fifty cents.

For executing every sentence of death, twenty-five dollars.

For summoning a grand jury of twenty-four persons, fifteen dollars.

For summoning each trial jury of twelve persons, six dollars.

For each additional juror, fifty cents.

For service of any process in criminal cases, for each mile necessarily travelled, twenty-five cents, and the same mileage for taking prisoners before a magistrate or to prison.

In serving subpoenas or venire in criminal cases, he shall receive mileage for the most distant only, when witnesses and jurors live in the same direction.

For all services in Justice's Courts, the same fees as are allowed to Constables in like cases.

Fee book.

SEC. 2. It shall be the duty of the Sheriff to keep a book, to be called a fee book, in his office, open to inspection of any one desiring to inspect the same, in which book shall be stated the fee charged, and the case in which they are charged; and it shall be the duty of the District Attorney to inspect said book at least once in every three months, and the foreman of any Grand Jury shall also have the same before him, and shall examine the same.

Ten per cent
to be paid to
Treasurer.

SEC. 3. The Sheriff shall at the end of each month pay over to the County Treasurer ten per cent of all fees collected under and by virtue of this Act, save and except such fees as may be collected for mileage. The said ten per cent so paid shall be credited to the General Fund of the county, and be applied to the payment of Auditor's warrants, as now provided by law.

Repeal.

SEC. 4. An Act entitled an Act fixing the salaries of the county officers of the County of Nevada, approved April fourth,

eighteen hundred and sixty-four, so far as it relates to the office of Sheriff, is hereby repealed.

SEC. 5. The County Recorder of the County of Nevada is ^{Recorder's} ~~deputies~~ hereby authorized to appoint additional deputies when, in the opinion of the Board of Supervisors, or a majority of said Board, such additional deputies are necessary to do the work required in said Recorder's office, the said additional deputies to be discharged at any time upon the order of the Board of Supervisors. The said additional deputies to be paid at the rate of one hundred ~~Salaries~~ and twenty-five dollars per month.

SEC. 6. This Act shall take effect and be in force from and after the first Monday in March, A. D. eighteen hundred and sixty-six.

CHAP. CCXII.—An Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four.

[Approved March 10, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

Section 3. From and after the twelfth day of March, eighteen hundred and sixty-six, the compensation to be paid to each member of the Board of Supervisors shall be four hundred dollars per annum, and fifty cents per mile, for going only, from the place of his residence to the county seat of said county, once only for each regular and called session; *provided*, that the Chairman of said Board shall receive as compensation for his services the sum of five hundred dollars per annum; and the payment of all said salaries and mileage provided for in this Act shall be paid out of the Salary Fund of said county as other salaries are paid; but no warrant shall be issued in favor of any member of said Board except upon certificate of the Clerk of said Board as to the services rendered, and the number of miles travelled, for which payment is due; *provided*, further, that the compensation of the present acting Chairman of the Board shall not be reduced during the term of office for which he was elected.

SEC. 2. Section nine of said Act is hereby amended so as to read as follows:

Section 9. The following shall be the annual compensation of ^{Salaries of} ~~officers~~ the officers of the County of Butte from and after the expiration of the terms of the present officers: County Judge, fifteen hundred dollars; County Clerk, two thousand dollars; District Attorney, one thousand dollars; County Treasurer, twelve hundred dollars; County Recorder, fifteen hundred dollars; and the incumbent of said office of County Recorder holding after the

expiration of the term of office of the present incumbent, and his successors in office, shall be ex officio Clerk of the Board of Supervisors without additional pay; County Assessor, fifteen hundred dollars.

SEC. 3. Section twelve of said Act is hereby amended so as to read as follows:

Levy of tax. Section 12. The Board of Supervisors for the County of Butte shall have power and it is hereby made their duty from and after the twelfth day of March, eighteen hundred and sixty-six, to levy a special tax annually, in addition to other taxes provided for by law, of not more than sixty cents on each one hundred dollars of all taxable property in said county; and said tax shall be levied, assessed, and collected at the same time and in the same manner as other taxes are levied, assessed, and collected in said county.

SEC. 4. Section thirteen of said Act is hereby amended so as to read as follows:

Proposals for redemption of warrants. Section 13. The tax provided for in the preceding section shall be set aside and kept as a special fund, to be called Redemption Fund, and shall be held and disbursed as herein-after provided. Whenever at any time there shall be in the Redemption Fund created by this Act a sum of money amounting to five hundred dollars or upwards, it shall be the duty of the County Treasurer to give fifteen days notice, by publication in some newspaper published at the county seat, that sealed proposals directed to him will be received for the surrender of county warrants issued prior to the first day of May, eighteen hundred and sixty-four, or claims that accrued prior to that time, and that said proposals will be received by him up to the next meeting of the Board of Supervisors thereafter.

SEC. 5. Section fourteen of said Act is hereby amended so as to read as follows:

Award. Section 14. On the first day of such meeting of the Board of Supervisors, whether regular, called, or adjourned meeting, they, together with the County Auditor and Treasurer, shall attend at the office of the latter, and then and there open all proposals and accept the lowest bids for the surrender of county warrants or claims of the character specified in the preceding section; *provided*, that no bid for more than par value shall be accepted, nor any bid unless accompanied by the warrants or claims proposed to be surrendered.

SEC. 6. Section sixteen of said Act is hereby amended so as to read as follows:

Transfer of funds. Section 16. The Board of Supervisors of the County of Butte, from and after the twelfth day of March, eighteen hundred and sixty-six, shall cause to be transferred, and shall have power to order a transfer, of all moneys in the County Treasury arising from taxation or other sources, and not required to pay necessary expenses of the county, to the Redemption Fund, and the same shall be disposed of as other moneys coming into said fund.

SEC. 7. This Act shall take effect and be in force from and after the twelfth day of March, eighteen hundred and sixty-six.

CHAP. CCXIII.—*An Act concerning roads and highways in the County of Stanislaus.*

[Approved March 10, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All roads in the County of Stanislaus are hereby declared to be public highways which are now used as such and have been declared such by order of the Court of Sessions or Board of Supervisors in accordance with the laws in force at the time of their establishment, or which may hereafter be declared such by said Board in accordance with the provisions of this Act.

Sec. 2. The sections from one to twelve inclusive, of an Act entitled an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, one thousand eight hundred and sixty-one, as amended by an Act entitled an Act to amend an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, one thousand eight hundred and sixty-one, approved May twelfth, one thousand eight hundred and sixty-two, are hereby made applicable to the County of Stanislaus, and the said county is hereby exempted from the remaining section of said Act.

Sec. 3. The Board of Supervisors shall on their first regular meeting after the passage of this Act divide said county into road districts of convenient size, which shall be numbered, and they may thereafter change the same or create new ones at any time when considered necessary by them.

Sec. 4. The said Board shall have power to levy a road poll tax on all able-bodied men (California Indians excepted) between the ages of twenty-one and fifty years, which tax shall not be less than two nor more than three dollars per annum, payable in cash, and shall be collected by the same officers, in the same manner, and under the same provisions as are now or may be hereafter provided for the collection of other poll taxes or of foreign miners' licenses. In order to enable the Board of Supervisors to levy the poll tax heretofore specified, and to enable the Collector to collect and apportion the same, the Assessor in said county shall prepare in his tax list or assessment roll a separate column, headed "Road Poll," wherein he shall place against the name of every person liable to pay a road poll tax a figure corresponding with the number of the district wherein he resides, and all moneys collected under this section shall be credited to the Road Fund of the district in which they are collected.

Sec. 5. If the road poll tax of any person duly assessed has not been paid on or before the third Monday in November of each year, and the Tax Collector has been unable from any cause to collect the same, such persons shall be deemed delinquent, and shall be required upon the requisition of the Road

Public highways.

Laws made applicable.

Road districts.

Levy of road poll tax

- By labor.** Master of their respective districts to work out said road poll tax upon the public highways, at the rate of one dollar for each full day's work of not less than eight hours; and if any person delinquent as aforesaid shall fail or refuse upon the requisition of the Road Master of his district to furnish the labor hereby imposed, such person shall be liable to a fine, and on conviction before a Justice of the Peace, shall be fined in a sum not less than ten nor more than twenty dollars, and costs of suit.
- Delinquent.** SEC. 6. The Tax Collector shall, after the third Monday in November in each year, make out a list wherein he shall enter the names of all persons delinquent for road poll tax, together with the number of their district, and on or before the first Monday in December he shall deliver said list, duly certified by him, to the Clerk of the Board of Supervisors, who shall within two weeks from the time said list has been delivered to him make abstracts from the same for each district, giving the name of each person delinquent in the same, and shall immediately furnish said abstracts to the Road Masters of the respective districts.
- Report.** SEC. 7. The Tax Collector in making his monthly report to the County Auditor shall specify the amount of moneys collected for each road district, and for his services in collecting the road poll tax levied under this Act he shall receive a compensation, to be fixed by the Board of Supervisors, by an order to be entered on the minutes of said Board, not to exceed twenty per cent of the amount collected.
- Compensation.** SEC. 8. The Board of Supervisors shall, on their first regular meeting in each year, levy a property tax for road purposes upon all taxable property in said county, not to exceed twenty-five cents upon each one hundred dollars of taxable property, which said property tax shall be collected by the same officers and in the same manner as other property taxes, and shall be paid into and constitute the County Road Fund, which fund shall be applied to the building and repairing the public roads in said county in such manner as the Board of Supervisors may direct.
- Roadmaster.** SEC. 9. The Board of Supervisors shall, at their first regular meeting after the passage of this Act, appoint one Road Master for each district for the remaining portion of the year one thousand eight hundred and sixty-six, and thereafter on their last regular meeting in each year they shall appoint a Road Master for each district for the term of one year from the first day of January next after such appointment, and the Clerk of said Board shall within ten days after such appointment notify in writing each appointee of the same, who shall within twenty days thereafter take the oath of office, and give bonds, to be approved and justified as other official bonds, and filed with the County Clerk, in such sums as the Board may require, for the faithful performance of his duties, and who shall, after giving such bonds, enter upon the discharge of his duties on the commencement of his term. The Board shall have power to remove any Road Master from office who may fail or neglect to discharge the duties imposed upon him by this Act, after giving him a hearing in open session; they shall also have power to fill all vacancies occasioned by removal, death, or resignation,
- Removal and vacancy.**

or otherwise, and either for fractional or full terms; *provided*, that any person who has been duly elected to the office of Road Master for any district in said county at the general election held in September, one thousand eight hundred and sixty-five, and who has qualified according to law, shall hold his office until the expiration of the term for which he has been elected.

Sec. 10. It shall be the duty of the Road Master to have the care and supervision of the public roads in his district; to maintain them in good repair, and to erect such necessary bridges, causeways, and culverts as the means at his command will permit; to keep the roads clear of obstructions and properly graded; and for these purposes the Road Master is hereby authorized to take for the use of the road service any timber, earth, gravel, rock, or other material growing or being in any uninclosed lands in the vicinity of a public road, except that he shall not cut down any tree which has been planted or preserved as a shade or ornamental tree; and upon application of the owner thereof he shall make such allowance therefor as he may deem just, and shall give to said owner a certificate of such allowance, and upon presentation of such certificate to the Board of Supervisors they may order a warrant to be drawn for said allowance or a less amount in favor of such person, payable out of the District Road Fund. The Road Master is hereby authorized to employ laborers on the public highways at the rate of not exceeding two dollars per day for each full day's work of not less than eight hours; and if any labor has been performed by any person upon his requisition (except delinquent tax payers) he shall give them a certificate stating the number of days such person has worked upon the public highways, and the rate of wages agreed upon, not exceeding two dollars per day as aforesaid. Upon presentation of such certificate to the Board of Supervisors they shall order a warrant to be drawn in favor of such person for the amount specified therein, payable out of the District Road Fund; *provided*, that if the estimated cost for the erection of any bridge or culvert or causeway shall exceed fifty dollars, the Road Master shall not erect the same without having first obtained special authority from the Board of Supervisors.

Sec. 11. Each Road Master shall, at the August session of Report. said Board, and at the expiration of his term of office, and at such other times as the Board may require, present a full, true, and correct statement of the number of days service by him actually and necessarily performed in working upon the public roads in his district, the number of men by him employed, and the rate of wages agreed upon, and the length of time they were engaged, the amount of material furnished, the number of delinquents in his district who have worked out their road tax, the number of convictions, and the amount of fines paid in his district, which statement shall be verified by his oath; and the said Board may examine on oath any Road Master concerning his account. The Road Master shall be allowed in payment of such service such an amount as the Board of Supervisors may allow, not to exceed four dollars per diem; *provided*, that if such Road Master furnishes a horse and cart for the repair of the public roads he shall be allowed in addition to his per diem a compensation to be fixed by said Board, not to exceed three dollars per

Compensa-
tion.

day for each day he has furnished such horse and cart; and for the purpose of making his annual settlement he shall be allowed mileage, to be computed from his residence to the Court House, at the rate of twenty-five cents per mile, for one distance only. The allowance to Road Masters for per diem, compensation, and mileage shall be made out of the District Road Fund unless otherwise especially ordered by the Board; and, *provided*, that the Board may limit the number of days to be occupied by the Road Master in the performance of the duties of his office in his district.

Neglect of
duty, and
penalty.

SEC. 12. Any Road Master failing or refusing to perform any of the duties prescribed by this Act, upon complaint being made to the Board of Supervisors, shall be cited to appear before said Board, and if they find the charge sustained, may be removed from his office; and in such case such Road Master shall be deemed guilty of a misdemeanor, and on conviction thereof before any Court of competent jurisdiction, shall be fined in any sum not exceeding two hundred dollars, for the payment of which fine his official bond shall be liable, and when collected such fine shall be paid into the County Road Fund.

Obstructions
and penalties

SEC. 13. Any person who shall obstruct any public highway, either by placing an obstruction thereon, or by digging a ditch, or deepening the waters of any stream and not bridge the same the full width of the road within twelve hours, or sooner if possible, by placing good and substantial timbers across the same, not exceeding six feet apart, and planking the same with planks not less than three inches in thickness, firmly spiked to the timbers, unless permission shall have been granted by the Road Master of the District to build the bridge of a less size, but in no case to be less than sixteen feet in width, shall be liable to a prosecution for a misdemeanor; and it shall be the duty of the Road Master of the District to prosecute for such offence on behalf of the county; and the party offending, on conviction, shall be fined in a sum of not less than ten dollars nor more than two hundred dollars, and costs of suit, to be collected as other fines; and he shall be further liable at the suit of the Road Master of the District in the sum of five dollars for each day that such obstruction remains after being notified to remove or remedy the same; and whenever any public highway shall be washed away or injured by the breaking of any water ditch or canal, the owner thereof shall be liable for all damages occasioned to said road by such breaking; and it is made the duty of the Road Master of the district to prosecute said owners for all such damages. The Road Master shall have the right at all times to demand and receive the opinion of the District Attorney of the county in regard to their duties under this section, and it is hereby made the duty of the District Attorney to give such opinion without fee.

Disposition
of fines.

SEC. 14. All moneys collected under the provisions of sections five and thirteen of this Act shall be disposed of as follows: The costs shall be paid to the several officers entitled thereto, and of the fines twenty-five per cent shall be paid to the Road Master prosecuting the action, and the remaining seventy-five per cent shall be paid into the County Treasury to the credit of the Road Fund of the district where the offence was committed.

SEC. 15. The Board of Supervisors shall have the general care and supervision of the public roads and highways in the county, and it shall be the duty of each Supervisor in his district, when to his knowledge any bridge on a public road has become unsafe or needs repairing, to require the Road Master of the district wherein such bridge or culvert is situated to repair the same; and any action which the Road Master is authorized and required by this Act to institute against any person for the recovery of a penalty incurred, may be prosecuted by the Supervisor of the district wherein such cause of action accrued; *provided*, that in such case the whole amount of the fine shall be paid into the County Treasury to the credit of the Road Fund entitled thereto.

SEC. 16. The Road Master is hereby authorized to demand of Chinese, any Chinaman or Mongolian residing in his district, to work upon the public roads one day in each year, whether such Chinaman or Mongolian shall have been assessed by the Assessor as liable to the road poll tax or not; and any such person after performing one day's labor as aforesaid, shall be deemed and held to have paid his road poll tax, and shall be entitled to a certificate from the Road Master therefor; and upon presentation of such certificate to the Tax Collector, he shall not demand the road poll tax from the person named therein.

SEC. 17. The Board of Supervisors shall cause proper blank road poll tax receipts to be printed, of a uniform appearance, which shall be numbered consecutively, and signed in writing by the Chairman thereof, and also by the Clerk; and no other receipt for road poll tax than the above shall be used for the payment of said tax. The Chairman, after having signed a sufficient number of said receipts, shall deliver the same to the Clerk of said Board, who shall from time to time deliver them in such numbers as may be needed to the Tax Collector, taking his receipts therefor; and any person who shall wilfully pass, sell, transfer, or who shall forge, or fraudulently issue any receipt or receipts for road poll tax contrary to the spirit of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than ten nor more than two hundred dollars, which when collected shall be paid into the County Road Fund.

SEC. 18. The Tax Collector shall receive in payment of the road poll tax any warrant drawn on any district or the County Road Fund, from and in payment of the tax of any person in whose favor such warrant is drawn.

SEC. 19. The County Treasurer shall keep all moneys paid to him by the Tax Collector for road poll tax, and all moneys paid to him for fines collected under sections five and thirteen of this Act, in separate Road District Funds, and shall pay the same out upon warrants drawn by the County Auditor, in the same manner in which warrants drawn on the County General Fund are paid by him.

SEC. 20. All Acts and parts of Acts in conflict with the provisions of this Act, so far as they apply to the County of Stanislaus, are hereby repealed.

SEC. 21. This Act shall take effect from and after its passage.

CHAP. CCXIV.—*An Act to establish and maintain an Alms House and Hospital in the City and County of San Francisco.*

[Approved March 10, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority to build Hospital.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to establish and maintain an Alms House and Hospital, and for that purpose to set apart and appropriate land belonging to said city and county, or to purchase land, not exceeding eighty acres, as said Board may deem necessary in said city and county, and erect thereon one or more buildings, suitable for alms house and hospital purposes, and they may from time to time add to and enlarge such buildings as necessity may require.

Payment.

SEC. 2. For the purpose of procuring or purchasing and improving land, and erecting buildings thereon, as provided in the preceding section, said Supervisors are hereby authorized to appropriate and order paid so much as may be necessary of the appropriation now authorized by law to be expended for purchasing land, or erecting or enlarging buildings for hospital purposes, or for both; also, to expend in addition thereto, a sum not to exceed twenty thousand dollars for furnishing the same.

Regulations.

SEC. 3. Said Board of Supervisors may, by ordinance, make such rules and regulations, not inconsistent with the provisions of this Act, for the government and management of said Alms House and Hospital, and for the admission, discharge, and employment of the inmates thereof, as to them shall deem proper.

Employés, and pay.

SEC. 4. Said Board shall also have power to appoint a Superintendent, Matron, Resident Physician, two Visiting Physicians, and such assistants and employés as they may from time to time deem necessary; *provided*, they shall not at any time pay more than the following sums as salary to the various employés: To the Superintendent, one hundred and fifty dollars per month; to the Matron, fifty dollars per month; to the Resident Physician, two hundred dollars per month; to each of the Visiting Physicians, one hundred dollars per month; and to each and every other employé, not to exceed thirty dollars per month each, except nurses, when necessary, may be employed at a salary not to exceed fifty dollars per month.

Monthly expense.

SEC. 5. Said Board of Supervisors are hereby authorized to expend a sum not exceeding seven thousand dollars per month for the support, care, and maintenance of such persons as may be admitted to said Alms House and Hospital, which sum shall be in lieu of any sums now authorized by law to be expended for such purposes.

Contracts.

SEC. 6. Contracts for the support of the inmates of said Alms House and Hospital shall be given out in the manner now prescribed by law for the support of the inmates of the City and County Hospital.

Admission of inmates.

SEC. 7. The Mayor of said city and county, the Resident Physician of said Alms House and Hospital, and the Chairman of the Hospital Committee, respectively, and they alone, shall

have power to admit inmates to said Alms House and Hospital, under such restrictions as are provided in section three of this Act.

Sec. 8. The Mayor, when authorized by the Board of Supervisors, shall have power to sell the buildings and land now occupied for hospital purposes, and to that end is hereby authorized to execute, sign, seal, and deliver good and sufficient deed or deeds therefor, to such person or persons and for such sum or sums as said Board may prescribe; and he shall pay the proceeds of such sale or sales into the City and County Treasury to the credit of the General Fund. Sale of buildings and land

Sec. 9. The Auditor of said city and county is hereby directed to audit and the Treasurer thereof to pay out of the General Fund such sums as the Supervisors may allow and order paid under the provisions of this Act.

Sec. 10. This Act shall take effect immediately.

CHAP. CCXV.—*An Act to provide for printing a Catalogue of the State Library.*

[Approved March 10, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State Librarian is hereby authorized to have Catalogue. printed by the State Printer one thousand copies of the catalogue of the State Library. He shall cause five hundred copies to be bound in a good and substantial manner; the remaining five hundred copies shall be deposited in the State Library for future use.

Sec. 2. The Librarian shall distribute the catalogues as follows: One copy to each member of the Legislature, State officer, Supreme, District, and County Judges, and County Clerk; one copy to each department of the Government at Washington; one copy to the Library of Congress; and one copy to each of the States and Territories of the Union; and one copy to such public libraries as in the opinion of the Librarian may secure an interchange of works to be placed in the State Library. Distribution

Sec. 3. The expense for printing and binding the catalogue, Expense. as provided for in the first section of this Act, shall not exceed the rates allowed by law for printing and binding the statutes, and the amount shall be audited and allowed by the Board of Examiners, and paid out of the appropriation for printing, paper, and official advertisements.

Sec. 4. This Act shall take effect from and after its passage.

CHAP. CCXVI.—*An Act to incorporate the Town of San Buenaventura.*

[Approved March 10, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Incorporation.

SECTION 1. The inhabitants of the Town of San Buenaventura, County of Santa Barbara, are hereby constituted a body corporate and politic under the name and style of "The Town of San Buenaventura," and by that name and style they and their successors shall be known in law, and have perpetual succession, and be invested with all the rights and privileges conferred by, and be subject to all liabilities, restrictions, and provisions of an Act entitled an Act to provide for the incorporation of towns, approved April nineteenth, eighteen hundred and fifty-six, so far as the provisions of said Act may be consistent with the provisions of this Act.

Boundaries.

SEC. 2. The corporation limits of said town shall be as follows: Commencing at the mouth of San Buenaventura River at highwater mark, and running, first, east fifteen fifty chains; second, north seventy-three degrees east twenty-two fifty chains; third, north sixty-five degrees east seventeen fifty chains; fourth, north seventy-nine degrees east ten chains; fifth, south seventy-three degrees east fourteen fifty chains; sixth, north eighty chains; seventh, west eighty chains; eighth, south twenty-five and three fourths degrees west twenty-four fifty chains; ninth, south thirty-seven degrees east, fifteen fifty chains; tenth, south six degrees east forty-four chains; eleventh, south thirteen fifty-six chains, to the place of beginning—magnetic variation thirteen degrees and thirty minutes east—containing one square mile, more or less, according to the map made on the twenty-second day of November, A. D. eighteen hundred and sixty-five, by W. H. Norway, civil surveyor.

Officers.

SEC. 3. The officers of the said corporation shall consist of a Board of five Trustees, a Treasurer, a Clerk, who shall be ex officio Assessor, a Marshal, who shall be ex officio Collector, an Attorney, and a Surveyor.

Elections.

SEC. 4. The Trustees shall be elected by the qualified electors of said town, and shall hold their office for the term of two years and until their successors are elected and qualified; but the first Board of Trustees shall consist of Angel G. Escandon, Walter S. Chaffee, Juan Camarillo, Victor Ustusaustegui, and Fernando Tico, Jr.

SEC. 5. The first election for Trustees shall be held on the first Monday of March, A. D. one thousand eight hundred and sixty-eight, and on the first Monday of March every two years thereafter.

Officers appointed.

SEC. 6. The Treasurer, Clerk, Marshal, Collector, Attorney, and Surveyor, shall be appointed by the Trustees, and shall hold their office for two years, unless sooner removed for misconduct or neglect of official duties. The officers appointed by the Trustees shall give such bonds for the faithful performance of their duties as the Trustees shall direct.

SEC. 7. It shall be the duty of the Clerk to keep the books, ^{Duties of Clerk.} papers, and documents of the Board belonging to the town, to attend all meetings of the Board of Trustees, and keep a record of all its proceedings, sign all warrants issued by order of said Board, and keep an accurate account in a suitable book of all such warrants, their number and date, and he shall assess all taxes levied by the Board of Trustees.

SEC. 8. The Treasurer shall take charge of all moneys ^{Treasurer.} belonging to said town, pay all warrants, which shall first be signed by the Clerk and countersigned by the President, and keep a correct account of all moneys received and paid out by him, and make due report thereof to the Board once a month.

SEC. 9. The Marshal shall collect all taxes levied by the ^{Marshal.} Board of Trustees, which, with all other moneys collected by him by virtue of said office, he shall pay over to the Treasurer as often as once each month. He shall be conservator of the peace within the limits of said town, and shall have power to enforce all ordinances legally passed by the Board of Trustees.

SEC. 10. The Board of Trustees shall meet on the first Monday of every month. ^{Meetings of Trustees.}

SEC. 11. The Trustees shall elect one of their number President of the Board. The President chosen shall act as Town Recorder, and the said Recorder, as to offences committed within the corporate limits of said town, shall have like jurisdiction as now is or may hereafter be conferred on Justices of the Peace; and shall have jurisdiction over all violations of a town ordinance; and may hold to bail, fine, or commit to prison any person found guilty of any violation thereof. The Recorder, when acting as such, shall receive the same fees as are now allowed by the laws of this State to Justices of the Peace. ^{President to be Town Recorder.}

SEC. 12. The Board of Trustees shall have power to make ^{Powers of Trustees.} regulations for securing the health, cleanliness, and good order of the town; to provide for the prevention and extinguishment of fire; to levy taxes, not exceeding fifty cents on each one hundred dollars valuation of taxable property within the limits of the town, for defraying the ordinary expenses of the town; to lay out, keep open, and repair all streets, alleys, and sidewalks, and to supply it with fresh water. The Board of Trustees shall, by ordinance, fix the amount, time, and manner of collecting the tax herein provided for, and the time and manner of selling property for unpaid taxes. All property sold for unpaid taxes shall be subject to redemption as property sold for State and county taxes.

SEC. 13. All ordinances passed by the Board of Trustees ^{Ordinances.} shall be signed by the President and Secretary, and published two weeks before the same shall take effect, and be enforced by written copies thereof posted in three of the most public places in said town.

SEC. 14. The Trustees of said town shall have no power to ^{Debt.} borrow money nor to contract any debts or liabilities which shall in the aggregate exceed the sum of four hundred dollars, unless it shall first appear by the returns of the Treasurer that there is actually in the Treasury money not otherwise appropriated sufficient to meet and pay such liabilities.

Compensation. SEC. 15. The compensation of the Board of Trustees shall be one dollar per annum. The officers appointed by the Board of Trustees shall receive for their services such sums as the Board may direct.

SEC. 16. This Act shall take effect from and after the first Monday of April, A. D. one thousand eight hundred and sixty-six.

CHAP. CCXVII.—An Act to prohibit the Board of Supervisors of the County of Butte from drawing warrants for the payment of the per diem of Road Overseers on any fund except the Road Fund of the district of which said Road Overseer has charge.

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Pay of Road Overseers. SECTION 1. It shall not be lawful for the Board of Supervisors of the County of Butte to pay the per diem of any Road Overseer of said county out of any fund in said county except the Road Fund of the particular road district for which said Road Overseer was appointed.

Funds not to be transferred. SECTION 2. It shall not be lawful for the Board of Supervisors of said county to take, use, or transfer the moneys belonging to any fund in the Treasury of said county for the payment of any debts, dues, or demands which are properly chargeable to other funds of said county, unless by express provision of law the said taking, use, or transfer is authorized.

SECTION 3. This Act shall be in force immediately after its passage.

CHAP. CCXVIII.—An Act for the relief of John A. Baxter.

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation. SECTION 1. The sum of one hundred and thirty-nine dollars and fifty cents is hereby appropriated out of any money in the General Fund in the State Treasury not otherwise appropriated, and the Controller is hereby required to draw his warrant in favor of John A. Baxter for mileage in conveying the election returns of the late Presidential election from the county seat of Del Norte County to the office of the Secretary of State in Sacramento.

SECTION 2. This Act shall take effect immediately after its passage.

CHAP. CCXIX.—An Act to authorize the construction of a wagon road in Colusa County.

[Approved March 18, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for M. S. Whiting and C. W. Franchise. Kellogg, and they or their assigns are hereby authorized and empowered to construct a wagon road in the County of Colusa, commencing at the foothills at a point near the mouth of Salt Creek Cañon, and thence running westerly along the edge or banks of said cañon and Salt Creek, and crossing the same where necessary, and terminating over the mountain at a place called Oil Centre, near the Antelope Valley Petroleum Company's works, as may be determined by the engineer of said grantees; and said grantees or assigns shall have the right of levying and collecting tolls upon all animals, teams, and vehicles, passing over said road.

SEC. 2. The privilege herein granted shall continue during a Duration. period of fifteen years, subject, nevertheless, to the condition that the grantees or their legal representatives are required to sell and convey the said road to the County of Colusa at any time after the expiration of five years from the completion of the same, upon the payment to the said parties by the said county the value thereof, exclusive of the franchise.

SEC. 3. The said road shall be surveyed and its construction Completion. commenced within six months from and after the passage of this Act, and completed within one year thereafter.

SEC. 4. The Board of Supervisors of said county may from Tolls. time to time alter or reduce the rate of tolls upon said road; but they shall not reduce the tolls thereon below the rates following:

For wagons or vehicles drawn by four animals, seventy-five cents.

For wagons or vehicles drawn by two animals, fifty cents.

For wagons or vehicles drawn by one animal, twenty-five cents.

For all animals rode, led, or driven, ten cents.

For sheep and swine, two cents each.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCXXX.—*An Act supplementary to an Act to provide for the funding of the indebtedness of the County of San Luis Obispo outstanding on the first day of July, in the year one thousand eight hundred and sixty-three, approved March sixth, eighteen hundred and sixty-three.*

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Payment of interest.

SECTION 1. All moneys now, at the passage of this Act, remaining in the Treasury of said county and belonging to the Sinking Fund of said county, and also all moneys which may hereafter be collected or received into the Treasury of said county for the use of said county from assessments made previous to the assessment of eighteen hundred and sixty-three, shall be appropriated and used by the Treasurer of said county to and for the payment of the interest due and now in arrear on the bonds issued under and pursuant to said Act, and to and for no other purpose whatsoever.

Levy of tax.

SEC. 2. The Board of Supervisors of said county, in addition to the other taxes authorized to be levied and collected under the provisions of said Act, shall hereafter and until the whole of said bonds shall be redeemed, cause to be annually levied and collected a special tax on all the real and personal property within said county of seventy-five cents on each and every one hundred dollars of the valuation of said real and personal property, to be assessed and collected in the gold and silver coin of the United States at the same time and in like manner as are assessed and collected State and county taxes for other purposes; and the amount of taxes so collected shall be applied solely to the payment and redemption of said bonds, and to no other purpose, until said bonds shall be fully paid and redeemed according to the sixth section of said Act.

Redemption of bonds.

SEC. 3. In the event that the amount raised and to be derived from the special tax required to be levied and collected by the third section of said Act shall not be sufficient to pay the interest on said bonds as the same becomes due and payable, the Treasurer of said county shall, at the time when any instalment becomes due and payable, take from the fund for current expenses of said county whatever amount of money may at any time be necessary, with the amount raised and collected as aforesaid, to pay said interest in full so as to protect the credit of said county.

Transfer of funds to pay interest.

SEC. 4. If the Board of Supervisors of said county shall for any year neglect to levy any of the taxes prescribed to be levied and collected by this and the Act to which this is supplementary, the Auditor of said county shall enter upon the assessment roll for each year for which such neglect shall occur the amounts of said taxes respectively against the property assessed therein.

SEC. 5. This Act shall take effect immediately.

CHAP. CCXXI.—An Act supplemental to an Act entitled an Act to provide for funding the debt of Tulare County, for the payment of the interest thereon, and for the gradual liquidation of the debt, approved February twenty-sixth, eighteen hundred and fifty-nine.

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All bonds issued under the provisions of the Act to which this is supplemental, which shall remain unpaid after maturity, may be cancelled by order of the Board of Supervisors, and new bonds payable in United States gold coin issued to the holders in lieu thereof, on the same terms as provided for the original issue; and all the provisions of said Act are hereby made applicable for the payment of interest and the redemption of principal of all new issues by virtue hereof.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCXXII.—An Act to authorize the Board of Supervisors of Del Norte County to levy a special tax, and create a Redemption Fund, for the payment of county indebtedness.

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Del Norte County are hereby authorized and empowered, annually to levy and collect a special tax in addition to other taxes provided for by law, upon all the taxable property in said county, not to exceed one per cent, nor less than one half of one per cent; and the said tax shall be collected at the same time and in like manner as other taxes are collected in said county.

SEC. 2. The tax provided for in section one of this Act shall be set aside and kept as a special fund, to be called the Redemption Fund, and shall be held and disbursed as is hereinafter provided. Whenever at any time there shall be in the Redemption Fund created by this Act a sum of money amounting to five hundred dollars or more, it shall be the duty of the County Treasurer to give fifteen days notice, by publication in some newspaper published in the county, if there be one published in the county, if not, then by posting notices in three of the most public places in the county, that sealed proposals directed to him will be received for the surrender of county warrants up to the next meeting of the Board of Supervisors thereafter.

SEC. 3. The County Treasurer shall, in the presence of the Board of Supervisors and the County Auditor, open the proposals received and accept the lowest bids for the surrender of county warrants; *provided*, that no bids for more than par value

of said warrants, or any bids unless accompanied by the warrants proposed to be surrendered, shall be accepted; *provided*, however, that the Board of Supervisors may reject any or all bids or proposals if they believe the same are too high.

Cancellation of warrants. SEC. 4. When any bids are accepted the County Auditor and County Treasurer shall each take a description of the number and amount of warrants to be redeemed, specifying the amount to be paid for each warrant, and make a several record thereof in their respective offices. And thereupon the Board of Supervisors shall make an order directing the County Treasurer to purchase the warrants designated in the accepted bids and pay for them out of the Redemption Fund; and the warrants so redeemed shall be cancelled as other county warrants are when redeemed, except that the County Treasurer shall write on the face of said warrants "purchased," and the amount paid for the same, and he shall sign his name thereunto. The order made by the Board of Supervisors directing the County Treasurer to purchase said warrants, together with the record made by the County Auditor, shall be sufficient vouchers for the County Treasurer in the settlement of his accounts.

Redemption Fund. SEC. 5. The County Treasurer shall keep a separate account, under the head of Redemption Fund, of all moneys received from the source specified in section one of this Act; and said money shall never be mixed with other funds by the Treasurer, but the Board of Supervisors may make an order at any time that the money raised by this tax shall be placed in the General Fund of said county, and it shall then be paid out as other moneys in said General Fund.

Time to levy tax. SEC. 6. The Board of Supervisors of said county are hereby authorized to levy the taxes provided in this Act at any time before sitting as a Board of Equalization.

SEC. 7. This Act shall take effect from and after its passage.

CHAP. CCXXXIII.—*An Act to legalize the levy of a school tax in Chico School District, in Butte County.*

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Levy of tax legalized. SECTION 1. The levy of a school tax in November in the year eighteen hundred and sixty-five, for completing the school house and furnishing the same, by the Board of School Trustees of Chico School District, in the County of Butte, and the acts of the Assessor under the same, are hereby legalized and made of the same force and effect as if the same had been done within the time prescribed by law.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCXXIV.—An Act more clearly to define the boundaries of Sacramento, Sutter, and Placer Counties.

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The boundaries of Sacramento County shall be as follows: Beginning at a point ten miles due north of the mouth of the American River, and running thence in an easterly direction to the junction of the North and South Forks of said river; thence up the middle of the principal channel of the South Fork to a point one mile above the head of Mormon Island, so as to include said island in Sacramento County; thence in a southerly direction to a point on the Cosumnes River, eight miles above the house of William Daylor; thence due south to Dry Creek; thence down the middle of said creek to its entrance into Mokelumne River; thence down the middle of said Mokelumne River to a point where said river divides into its East and West Branches; thence down the middle of the East Branch of said Mokelumne River to its junction with the West Branch of said Mokelumne River; thence down the middle of said river to its junction with the San Joaquin River; thence down the middle of said San Joaquin River to the mouth of the Sacramento River at the head of Suisun Bay; thence up the middle of the Sacramento River to the mouth of Merritt's Slough; thence up the middle of said slough to its head; thence up the middle of the Sacramento River to a point due west of the place of beginning, being the northwest corner of Sacramento County; thence due east to the place of beginning.

SEC. 2. The boundaries of Placer County shall be as follows: Beginning on the northern boundary line of Sacramento County at a point due south of the southwest corner of Township Eleven (11) north, Range Five (5) east, Mount Diablo base and meridian; thence due north to the northwest corner of Township Twelve (12) north, Range Five east, Mount Diablo base and meridian; thence due east to the southwest corner of Section Thirty-Four, (34,) Township Thirteen (13) north, Range Five (5) east, Mount Diablo base and meridian; thence due north to the middle of Bear Creek or River; thence up the middle of said river or creek to its source; thence due east in a direct line to the eastern boundary line of the State of California; thence southerly along said line to the northeastern corner of El Dorado County; thence westerly on the northern boundary lines of El Dorado and Sacramento Counties to the place of beginning.

SEC. 3. The boundaries of Sutter County shall be as follows: Beginning at the northwest corner of Sacramento County, and running thence up the middle of the Sacramento River to the mouth of Butte Creek; thence up the middle of said creek to its intersection with the south line of Section Nineteen, (19,) Township Seventeen (17) north, Range One (1) east, Mount Diablo base and meridian; thence east on section lines to a point in the middle of Feather River; thence down the middle of Feather River to a point opposite the mouth of Bear Creek or River;

thence up the middle of said Bear Creek or River to the northwest corner of Placer County; thence along the western boundary line of Placer County to the southwest corner of Placer County; thence westerly along the northern boundary line of Sacramento County to the place of beginning.

SEC. 4. All Acts and parts of Acts, so far as they conflict with this Act, are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. CCXXV.—*An Act amendatory of the Act to provide for the government of the Common Schools in the City of Sacramento, passed April twenty-sixth, eighteen hundred and sixty-two, and the Acts amendatory thereof.*

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Examination
and certifi-
cates.

SECTION 1. The Board of Education of the City of Sacramento shall elect a competent committee of three teachers, who, together with the City Superintendent and County Superintendent, may hold examinations of teachers for the schools under its charge. No certificate shall be issued except to a person of good moral character, ability, and fitness to teach, and who shall have passed a satisfactory examination in the branches of study taught in the respective schools for which the examination is held. The certificates shall be of three classes, viz.: for primary, intermediate or unclassified, and grammar schools. The principal and assistant of the high school shall have a first class grammar certificate, and shall be specially examined in the studies taught in said school. All the certificates granted shall be in force during the pleasure of the Board.

Revocation
of certifi-
cates.

SEC. 2. The said Board shall have power to revoke the certificate of any teacher employed by it, upon evidence of incompetency or of immoral or unprofessional conduct, and the President of the Board or the Superintendent may, for good cause, suspend any teacher provisionally until the next regular meeting of the Board, reporting such action and the reasons therefor to such meeting.

SEC. 3. This Act shall take effect immediately.

CHAP. CCXXVI.—*An Act relating to the Interest Tax of Siskiyou County.*

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of an Act entitled an Act to fund the ~~Act amended~~ debt of Siskiyou County, approved April twenty-ninth, one thousand eight hundred and fifty-seven, and the several Acts amendatory thereof and supplemental thereto, approved February twenty-second, eighteen hundred and fifty-eight, approved February twenty-third, eighteen hundred and sixty, approved March thirteenth, eighteen hundred and sixty-two, are hereby amended so as to read as follows:

Section 8. In addition to the ordinary taxes for county purposes, there shall be, for the year eighteen hundred and sixty-six, and annually thereafter, until the principal and interest of said bonds issued shall be paid as hereinafter provided, levied and collected at the same time and in the same manner as other revenues of said county, a special tax, to be called the Interest Tax, of not to exceed one per cent on all the taxable property in said county, which shall be paid over to the County Treasurer. The fund derived from this tax shall be applied only to the payment of the interest accruing upon said bonds as herein provided; *provided*, however, that should said fund furnish a surplus over and above what may be required for the payment of said interest, such surplus shall be turned over and paid into the Sinking Fund herein provided for.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCXXVII.—*An Act to protect sheep, and Cashmere and Angora goats, against the ravages of dogs.*

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every owner, claimant, or keeper of a dog, or ~~Dog tax.~~ dogs, of the age of four months or over, shall hereafter pay an annual tax on all dogs owned, claimed, or kept by him or her: for the first male dog, one dollar; for every additional male dog, two dollars; and for every female dog, three dollars.

SEC. 2. It shall be the duty of the County, District, or ~~Town-~~ *Collection.* Assessors, as the case ~~may~~ be, at the time of making their annual assessment of real estate and personal property, to ascertain, by diligent inquiry and examination, the names of all persons owning, claiming, or keeping any dog or dogs, and they

shall assess all such dogs in the amounts respectively, as provided in the first section of this Act, to the person or persons owning, claiming, or keeping the same, and shall make lists and delivery thereof on their annual tax lists or assessment rolls at the same time and in the same manner as their lists and delivery of other personal property are made and delivered; and the proper officers are hereby empowered and required to collect such tax on dogs in the same mode and manner as other taxes are collected, and to pay over the same into the County School Fund.

Ownership. SEC. 3. Every dog kept or staying at any house shall be deemed sufficient evidence of ownership to authorize the Assessor to return the person inhabiting the house as the owner of such dog; and any person sending his or her dog from house to house or from place to place in order to evade said tax, shall pay double rates therefor; and every dog not so returned shall be deemed to have no owner, and may be lawfully killed by any person seeing the same run at large.

Damages. SEC. 4. The owner or owners of any dog or dogs which shall worry, wound, or kill any sheep, Cashmere or Angora goats, shall be liable to the owner or possessor of such sheep, goat, or goats for the damages and costs of suit, to be recovered before any Court having jurisdiction in the case.

Killing. SEC. 5. Any person finding any dog or dogs, not on the premises of its owner, worrying, wounding or killing any sheep, or Cashmere or Angora goats, may kill the same, and the owner thereof shall sustain no action for damages against any person so killing any dog or dogs under such circumstances.

CHAP. CCXXVIII.—*An Act to provide for a railroad within the County of Santa Clara.*

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Provisional franchise. SECTION 1. The right is hereby granted to D. J. Burnett, G. L. Seares, N. Palmer, D. H. Billings, C. W. Pomeroy, A. W. Saxe, S. S. Johnson, David Williams, J. A. Clayton, J. J. Owen, F. Jarigus, A. McCall, and their associates and assigns, to lay down and maintain an iron railroad within the County of Santa Clara, and through the City of San José, to the Town of Santa Clara, commencing at the Coyote Bridge on Santa Clara street, in the City of San José, thence along and upon one side of Santa Clara street near to what is known as the toll gate on the Alameda; thence upon the direction and line to and through the Town of Santa Clara upon French, Franklin, and such other streets in said town as the grantees or their assigns may determine, with the right to run cars thereon, not exceeding twenty-six feet in length, for the transfer of passengers, at convenient hours every day and night; and said road is to have a single track; *provided*,

the rails are of the most improved pattern used in San Francisco; and the said road to be furnished with the necessary and proper switches and turnouts along the entire route; and, *provided*, that the said grantees, their associates or assigns, shall within one year after the passage of this Act commence the construction of said road, so as to finish one half within two years, and within three years complete the whole; and if not completed within the time and times herein specified, then the rights and privileges granted by this Act shall be declared void; and, *provided*, also, that the said grantees, their associates or assigns, shall have the right to commence the work on any portion of the line mentioned in this section; and that before the commencement of the construction of the said railroad, the grantees, their associates or assigns, shall have obtained the consent, in writing, of at least one half of the owners of real estate on each side of said road within the corporate limits of the City of San José, and also one half of the owners of real estate on each side of the road along the entire route.

SEC. 2. The owners of said railroad shall pave, plank, or ~~streets~~ macadamize, as the proper authorities of said city, town, and county shall direct, the streets through which the said railroad shall run, along the whole length thereof, for a width extending two feet on each side of said road, and shall keep the same constantly in repair.

SEC. 3. The track of said railroad shall not be more than five ~~track~~ feet wide within the rails, with a space between the double track sufficient for the passage of the cars. The track shall be laid flush with the level of the streets, and so as to offer as little obstruction as possible to the crossing of vehicles. And when the track herein mentioned shall intersect any other railroad, the rails of each road shall be so altered or cut as to permit the cars to cross without obstruction.

SEC. 4. The rates of fare upon said railroad, for any distance, ~~Fare~~ going or returning, shall not exceed ten cents for each passenger.

SEC. 5. The cars upon said railroad shall be of the most ~~Cars and speed.~~ improved construction for the comfort and convenience of passengers, and shall be provided with sufficient brakes and other means for stopping the same when required; and they shall be moved at a rate of speed not exceeding twelve miles an hour.

SEC. 6. No car propelled by steam shall ever be run upon ~~Motive power.~~ any portion of the road mentioned in this Act; but horses and mules shall alone be used on said road.

SEC. 7. Any person wilfully obstructing said railroad shall be guilty of a misdemeanor, and punished accordingly.

SEC. 8. The franchise and privileges hereby granted shall continue for the period of twenty-five years, to date from and after the passage of this Act.

SEC. 9. This Act shall take effect from and after its passage.

CHAP. CCXXIX.—*An Act to change the boundary line between the Counties of Yuba and Sierra.*

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Boundaries. SECTION 1. The dividing line between the Counties of Yuba and Sierra is hereby altered and changed as follows, to wit: Commencing at a point in the middle of the North Yuba River, (where the boundary line crosses said river,) opposite to a point called Cut Eye Foster's Bar, from thence running down the middle of said river to the mouth of Big Cañon Creek, thence up the middle of said Cañon Creek to a point where the present county line crosses said creek, shall constitute the boundary line between said counties.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCXXX.—*An Act to extend the time for the completion of the Marysville and Beckwith Pass Turnpike.*

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time extended. SECTION 1. The Marysville and Beckwith Pass Turnpike Road Company are hereby granted until the first day of August, eighteen hundred and sixty-seven, to finish and complete their road, known as the Marysville and Beckwith Pass Turnpike.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CCXXXI.—*An Act to provide for the construction and repair of certain roads in Butte County.*

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Tax. SECTION 1. A tax of one per cent upon all the taxable property lying and being in what is known as the Oroville School District, in Butte County, and also upon all the taxable property fronting or bordering, or lying within one mile on each side of the road, commencing at Lathrop's Ferry, near said Town of Oroville, and running by way of Wicks, Clark, and Dorrance's ranches, Leonard's Mills, Dogtown, and Powell's Ranch, to the Cold Spring House.

SEC. 2. George W. Stevens is hereby constituted and appointed to assess the property referred to in section one, and to collect the taxes on the same when assessed. Assessor and Collector.

SEC. 3. T. Fogg, J. M. Brock, and F. W. Day, are hereby constituted and appointed a Board of Commissioners to receive and disburse all moneys accruing under this Act for the use and purposes herein contemplated, and shall make an exhibit in writing of all receipts and expenditures, which exhibit shall be filed with the Clerk of the County of Butte. Commissioners.

SEC. 4. As soon as practicable after the passage of this Act, Notice. the said Commissioners shall notify the Assessor and Collector appointed under the provisions of section two of this Act, to proceed to the assessment of said property and collection of said tax; said Assessor shall thereupon cause to be published in a newspaper published in Butte County, for the period of four weeks, a notice to the effect that a tax of one per cent upon the taxable property within the district mentioned in this Act, levied under and in pursuance of this Act, (naming it,) is now due and payable to said Assessor and Collector on demand at the time of assessment, and that all such taxes not paid after the expiration of the thirtieth day after the first publication of said notice, will be deemed delinquent, and that ten per cent will be added thereto, and the delinquent list placed in the hands of the District Attorney for collection. Said Assessor shall also cause to be posted notices of like tenor in at least three public places within said district, and along said road. Immediately after the first publication of said notice in Assessment. said newspaper, the said Assessor shall proceed to assess the property in the district named herein, and along the line of said road, and shall make a list thereof in the same manner as assessment lists are made under the general revenue laws of this State, and as each assessment is made, shall compute the amount of tax due thereon, and enter it upon his assessment list opposite the names of the party or property assessed, and shall thereupon demand the tax to be paid, and when so paid he shall receipt for the same, and shall mark it paid on his assessment roll. After the expiration of the thirtieth day after the first publication, he shall make out a delinquent list of all unpaid taxes, and certify the same to be true and correct, and shall place the same in the hands of the District Attorney of the county for collection, and said delinquent list shall have the same weight in evidence as the delinquent list made under the general revenue laws of the State. The said Assessor and Collector shall pay over all moneys from time to time as collected by him under this Act to the said Board of Commissioners.

SEC. 5. It shall be the duty of the District Attorney to proceed to collect said delinquent taxes in the same manner as Delinquent tax. delinquent State and county taxes are now collected by law; and the general revenue Acts of this State, so far as not inconsistent with this Act, are made applicable to this Act.

SEC. 6. The said Board of Commissioners shall receive the Disposition of money. moneys accruing under this Act, and shall appropriate them:

First—To paying the cost of assessing and collecting said tax, and such other incidental expenses as may accrue under this Act.

Second—They shall appropriate the sum of three thousand dollars to the repair and construction of the road leading from Clark and Dorrance's to Dogtown, Powel's Ranch, and Cold Spring House, and shall pay the same under such conditions and restrictions and to such parties as may seem in their discretion to best further the construction and keeping in repair said road.

Third—They shall appropriate and pay to the proper persons the sum of one thousand dollars, to be expended in payment of repairs upon the Oroville and Woodville Turnpike, and proper receipts and vouchers shall be taken therefor.

Fourth—Any surplus money that may remain in the hands of said Commissioners after said appropriations shall have been made shall be expended under the direction of said Board in improving the road running from Burns' Ranch to Clark and Dorrance's Ranch. The said Commissioners may require a good and sufficient bond from said Assessor and Collector for the faithful discharge of his duties.

Compensation. SEC. 7. The said Assessor shall receive in compensation for his services under this Act the sum of one hundred and seventy-five dollars.

SEC. 8. The Chairman of the Board of Commissioners shall receive a compensation for his services not to exceed five dollars a day for each day employed in matters appertaining to said Commission, together with his reasonable expenses; *provided*, his aggregate compensation shall not exceed two hundred dollars.

How road may be leased. SEC. 9. The Board of Supervisors shall have power to lease said road in manner and form as follows: They shall advertise for fifteen days in some newspaper published in said County of Butte, for sealed proposals for the use of said road for a term not to exceed ten years; said sealed proposals shall be directed to the Clerk of said Board of Supervisors, and shall distinctly state:

First—For what term of years a lease will be taken;

Second—That the road shall be kept in thorough repair;

Third—The names of the sureties to be given for the performance of the conditions of the lease.

Award of lease. As soon as practicable after the expiration of the time of advertising, the Board of Supervisors shall meet and consider such proposals as shall be received, and shall award and lease said road to such party or parties as shall, in the opinion of said Board, offer to lease the same upon conditions most beneficial to the interests of the County of Butte; but no lease shall be granted until a bond payable to the County of Butte, with two good and sufficient sureties, in the sum of two thousand dollars, approved by the Board of Supervisors, shall be delivered to said Board. The lessee of said road shall have power and he is hereby authorized to erect and maintain toll gates thereon and to collect tolls thereat; *provided*, the said Board of Supervisors shall designate the number and locality of said toll gates, and affix and regulate the tolls thereat from year to year. All moneys arising from the use of said road, conditioned and expressed in said lease to be paid to the County of Butte, shall be paid to the Treasurer of said county quarterly, dating from

Tolls.

the commencement of the term of said lease; and for any default in the payment of any money so due the County of Butte from the lessee of said road, his or their lease shall be deemed and is hereby declared null and void; and the Board of Supervisors shall have power and they are hereby authorized to resume possession thereof, and to re-let said road in manner and form and upon conditions hereinbefore expressed. All money paid to the Treasurer of said county for the use of said road shall be credited to the Road Fund of said county.

SEC. 10. This Act shall take effect from and after its passage.

CHAP. CCXXXII.—*An Act for the relief of J. C. Kingsley.*

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby authorized and required to allow J. C. Kingsley, County Treasurer of Mono County, the mileage and commissions to which he would have been entitled had he made a settlement with the State Controller in the month of January, eighteen hundred and sixty-six, as required by law; *provided*, the said J. C. Kingsley makes his said January, eighteen hundred and sixty-six settlement, within ten days after the passage of this Act.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCXXXIII.—*An Act to pay the claim of Peter McGraw.*

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of forty-seven and twenty-six one-hundredths dollars is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to pay the claim of Peter McGraw; and the State Controller is hereby directed to draw his warrant in favor of said Peter McGraw for the said sum of forty-seven and twenty-six one-hundredths dollars.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCXXXIV.—*An act to amend section first of an Act relating to the First Judicial District, and to fix the time for holding the Courts in said district, approved April fourth, eighteen hundred and sixty-four.*

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Terms of Court.

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. The terms of the District Court of the First Judicial District shall be held as follows:

In the County of San Diego, on the first Monday of October, and the third Monday of April, of each year;

In the County of San Bernardino, on the first Monday of April and September, each year;

In the County of Los Angeles, on the first Monday of February, May, and November, of each year;

In the County of Santa Barbara, on the Second Monday of June and December of each year;

In the County of San Luis Obispo, on the first Monday of March and August of each year.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCXXXV.—*An Act concerning District Court Reporters.*

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Reporters, appointment and duties.

SECTION 1. The District Judge of each of the Fourth, Fifth, Sixth, Seventh, Tenth, Eleventh, Twelfth, Third, and Fifteenth Judicial Districts is hereby authorized to appoint a competent short hand Reporter, who shall hold such office during the pleasure of the Judge making the appointment, and who shall at the request of either party or at the discretion of the Court in a civil case, or in criminal cases triable in the District Court, on the order of the Court, take down in short hand all the testimony, the rulings of the Court, and the exceptions taken, and shall within five days or such reasonable time after the trial of such case as the Court may designate, write out the same in plain, legible, long hand writing, verify and file it, together with the original short hand writing, with the Clerk of the Court in which the case was tried.

Evidence.

SEC. 2. Such report written out in long hand writing as aforesaid shall be deemed prima facie a correct statement of the evidence and proceedings therein contained.

Compensation.

SEC. 3. Such Reporter shall receive such compensation for his services as may be agreed-upon between the said Reporter and the counsel in the cause; and in the case of failure to agree

between the said parties then the amount may be fixed by the Court; *provided*, that when so fixed it shall not exceed ten dollars per day, and twenty cents per folio for transcription, which amount shall be paid by the party requiring the services of such Reporter, and be taxed up by the Clerk of the Court as costs against the party against whom judgment is rendered unless he shall have already paid such Reporter's fees; *provided*, that in criminal cases or capital offences, when the testimony has been taken down by order of the Court, the compensation of the Reporter shall be fixed by the Court, and paid out of the Treasury of the county in which the case is tried on the order of the Court; *provided*, further, that the Judge may in his discretion require the Reporter's fees to be paid, or a sum equivalent thereto to be deposited with the Clerk of the Court, before any judgment or verdict shall be entered in the case or any further proceedings be had therein.

SEC. 4. An Act entitled an 'Act concerning District Court ~~Repeal.~~' Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one, and the several Acts amendatory thereto, and all Acts and parts of Acts so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCXXXVI.—*An Act to regulate the fees and percentage of the Tax Collector in Humboldt County.*

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Tax Collector of Humboldt County shall receive as percentage on all State and county taxes collected and paid to the County Treasurer by him during each year four per cent on the first ten thousand dollars, three per cent on all sums over ten thousand dollars and under twenty thousand dollars, and two per cent on all sums over twenty thousand dollars; *provided*, that nothing in this Act shall affect or reduce the fees or percentage now allowed by law to the Tax Collector of said county for collecting poll taxes and foreign miners' licenses and other licenses.

SEC. 2. This Act shall take effect and be in force from and after the first Monday in March, eighteen hundred and sixty-eight.

CHAP. CCXXXVII.—*An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties.*

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Number of Notaries.

SECTION 1. For the Counties of San Joaquin, Tulare, Alameda, and Siskiyou, there shall be for each, two, and Nevada County, five, additional Notaries Public appointed, who shall hold their offices for two years, and until their successors are appointed and qualified.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCXXXVIII.—*An Act to amend an Act entitled an Act to divide the State into Congressional Districts, and fix the time to elect Representatives to Congress.*

[Approved March 18, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

ELECTION. **SECTION 1.** Section five of said Act is hereby amended so as to read as follows:

Section 5. At the general election in the year eighteen hundred and sixty-seven, and every two years thereafter, there shall be elected from each district one representative to the Congress of the United States.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCXXXIX.—*An Act to provide for the payment of certain floating claims against the County of Santa Barbara.*

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority to pay.

SECTION 1. The Board of Supervisors of Santa Barbara County are hereby authorized to order paid out of any surplus money in the General Fund of said county belonging to the fiscal year of eighteen hundred and sixty-five and eighteen hundred and sixty-six, such sums as may be justly due to any officers of said county, including Supervisors and Justices of the Peace, upon warrants drawn by the County Auditor upon the Treasury of said county between the first day of

June and the first day of November, A. D. eighteen hundred and sixty-five. Said sums ordered to be paid under the provisions of this Act shall be paid by the County Treasurer; provided, that the aggregate amount so ordered shall not exceed the sum of six hundred dollars.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCXL.—An Act entitled an Act for the establishment, maintenance, and protection of public and private roads in Merced County.

[Approved March 13, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person or persons proposing to apply for the location, alteration, or vacation of any road or highway, shall give notice of such intention by posting three notices thereof in public places in each road district affected thereby, and in the vicinity of the road proposed to be established, changed, or vacated, and one such notice on the door of the room in which the Board of Supervisors hold their regular meetings, at least thirty days previous to the time of making such application, which application shall only be made at a regular meeting of the Board of Supervisors; and in each of such notices shall be set forth specifically the place of beginning, the intermediate points, if any, a general description of the proposed route, the termination of the said road, or the particular portion of said road proposed to be changed or vacated, and the time at which such application will be made to the Board of Supervisors.

SEC. 2. Upon the day specified in any notice of the character described in section one of this Act the person or persons giving such notice shall complete the proposed application by petition to the Board of Supervisors, which petition shall be signed by at least five citizens of the county residing in the vicinity of such road, and contain the same matter set forth in said notices, and shall ask for the appointment of Viewers to view said proposed location, change, or vacation, and the final confirmation and establishment thereof; and the joining of any person in such petition shall be considered as a waiver of all right or claim to any damages arising from the location of any such road through any land owned or claimed by such petitioner, and the final dedication of all lands occupied by such road to the public use as a highway. Proof shall also be made to the Board of Supervisors, by the written affidavit of some competent person, of the age of twenty-one years, of the posting of the notices required in the first section of this Act, and also that all persons owning or claiming land on the proposed route of such road have been notified of such proposed application at least ten days previous to the day specified in the notice; provided, that where the owner or claimant is a minor, idiot, or insane person, notifying the legal guardian of such minor, idiot,

or insane person, shall be sufficient, and shall be set forth in the affidavit. If the owner of any land over which any road is proposed to be located does not reside thereon, or is not personally notified, the person or persons notifying shall cause the notice required in section one of this Act to be served by publication once a week for at least four consecutive weeks, in a newspaper published in the county; and if there be no newspaper in the county, then such service shall be by publication in some newspaper of general circulation in the county, to be designated by the Clerk of the Board of Supervisors by a written order to that effect; and such order, together with a copy of the publication verified by the oath of the publisher, shall be filed with the petition in proof of such notice.

Bond.

SEC. 3. Upon the filing of the petition required in the foregoing section, the petitioners, or some of them, shall enter into a bond, with at least two sufficient sureties, in such sum as the Board of Supervisors shall require, conditioned that the persons making such application will pay into the County Treasury the amount of all costs and expenditures accruing on or in consequence of such application. In case the application or prayer of the petitioners be not granted, and the location, change, or vacation finally confirmed or established, and should such applicants fail to pay such costs or expenditures into the Treasury, according to the tenor of such bond, within two months after such liability shall have accrued, which liability shall accrue upon the denial of the application or prayer of the petitioners, then the Board of Supervisors shall cause such bond to be delivered to the District Attorney of the county, whose duty it shall be to proceed forthwith by suit to collect all sums due by the makers of the bond, according to law.

Damages.

SEC. 4. Any person or persons owning or claiming land through which it is proposed to locate and establish a public highway, and desiring to apply for damages in consequence of such location, shall make application by petition in writing to the Board of Supervisors, on the day on which the application for such location shall be made according to notice, wherein he or they shall set forth the particular road referred to, the amount and character of the land affected thereby, and any other circumstances having relation to the subject of damages upon such land, and all expenditures rendered necessary by reason of such location upon such land; *provided*, that the legal guardians of minors, idiots, or insane persons, shall be authorized and required to take all the measures in the premises that may be necessary fully to protect their rights. All persons who fail to make application for damages within the time and in the manner specified in this section shall be considered as waiving all rights to damages, and as finally dedicating the land affected by the proposed location or change to the public use as a highway; and their failure so to do shall forever be a bar to any action for damages in any of the Courts of this State.

Road viewers

SEC. 5. Upon the filing of a sufficient bond, and proof of the notices required in the first section of this Act, together with the affidavits required in the second section of this Act, at the time specified in said notice, the Board of Supervisors shall appoint as Road Viewers three disinterested citizens of the

county, one of whom shall be a practical surveyor, and shall place in the hands of such Road Viewers the petition of the road which they are to view, together with all applications for damages in the premises, and upon a day named by the Board of Supervisors, or within twenty days after such named day, after first taking an oath to perform faithfully the duties devolving upon them by law as such Road Viewers, they shall proceed to view the proposed location, change, or vacation, and shall decide whether such proposed location, change, or vacation is required for public convenience; and they shall take into consideration private as well as public interests. If in the opinion of the Viewers the prayer of the petitioners is reasonable, and the location, change, or vacation necessary to the public, they shall take to their assistance two chainmen, and a marker, who shall be sworn by one of the Road Viewers, who are each hereby authorized to administer all oaths required by this Act, and shall proceed to survey said proposed location, change, or vacation, and shall distinctly mark the commencement, the courses, distances, and the termination of said route; and the Surveyor shall make a plat and field notes of said survey, which shall be filed as a part of the report of said Road Viewers. At or before the first day of the regular meeting of the Board of Supervisors next succeeding that at which the Road Viewers have been appointed as provided in this Act, they shall file with the Clerk of the Board of Supervisors a report of their proceedings in the premises, in which they shall set forth:

First—Who of them were present;

Second—That they were sworn;

Third—Whether such location, change, or vacation is or is not advisable;

Fourth—A plat and field notes of the survey;

Fifth—The expenses of the view and survey;

Sixth—The amount of damages sustained, separately, by each applicant for damages;

Seventh—The width of the road, which shall not exceed sixty feet.

SEC. 6. Upon the first day of the regular meeting of the Board of Supervisors next succeeding that at which the Road Viewers were appointed, the Board of Supervisors shall proceed to consider all the matters touching the original petition for the location, change, or vacation of any road, and all subsequent proceedings had thereon in connection with the report of the Viewers on file, and such evidence as parties interested may introduce touching the same; and if, in their opinion, the public good and convenience require that the proposed location, change, or vacation should be established, they shall confirm the report thereof in whole or in part, as they may deem advisable, and establish said location or change, or as much thereof as they may deem advisable, as a public highway, either absolutely, in which case the damages assessed and the costs which have accrued shall be paid out of the Road Fund, and the Board of Supervisors shall order a warrant drawn accordingly; *provided*, the Board of Supervisors shall be authorized to pay the same out of the General Fund by especial order made for that purpose; or they may make the establishment conditional, by the payment by the peti-

Non-confirmation. titioners of all or any part of the damages assessed, or the costs which may have accrued. If in the opinion of the Board of Supervisors the proposed location, change, or vacation is not necessary for the public good, or is not of sufficient importance to warrant the action asked for, they may refuse to confirm the report of the Viewers, and may discontinue proceedings in the premises, and they shall then direct the District Attorney to collect the expenses which may have accrued during the progress of the proceedings had in the premises on the bond provided for in section three of this Act.

Road record. Whenever any public road is established as contemplated in this Act, it shall be fully, together with all the proceedings had in the premises, carefully entered at length in the book of records of the proceedings of the Board of Supervisors, and also in a book to be kept for that purpose, which shall be called the "Road Record" of the county, and in such book of "Road Record" the Clerk of the Board of Supervisors shall enter at length a complete description of said road. Upon the final establishment of any road, and the payment or securing of the damages finally awarded, the Clerk of the Board of Supervisors shall, within ten days thereafter, notify the Road Master or Road Masters of the district or districts within which said road is situated of the establishment thereof, and to furnish him with a specific description of said road; and it shall be the duty of such Road Master or Road Masters to open said road within thirty days from the reception of such notice, unless there were at the time of locating such road growing crops on the ground affected by such road, in which case it shall be the duty of said Road Master or Road Masters to open such road within thirty days after the harvesting of such crops. And any person or persons resisting any Road Master in the lawful exercise of any duty in opening, changing, or vacating any public road, shall be guilty of a misdemeanor, and for each offence shall be fined in a sum of not less than fifty nor more than one hundred dollars, and all costs, or be imprisoned in the County Jail for a term of not less than fifteen nor more than thirty-three days, or by both such fine and imprisonment. And such fine shall be paid into the Road Fund of the county.

Privateroads

SEC. 7. Any person or persons desiring to establish a road for private convenience, and which is not intended for the travelling public generally, may do so by the consent of the parties owning land affected thereby; but such consent, together with a specific description of the proposed private road, and the conditions in reference to gates, inclosures, or other matters agreed upon, shall be filed with the Board of Supervisors or their Clerk; and upon the filing of such consent and specific description, such road shall be recorded in the Road Record of the county, and shall become to all intents and purposes a private road for the use of parties interested; *provided*, that the parties for whose benefit such roads are established shall keep them in repair at their own expense, except that they may by special consent of the Road Master of the district expend the amount of their poll tax upon such private roads; and for such services they shall receive a certificate from the Road Master on the same conditions and for the same purposes as provided for labor on the public roads. Whenever any person or persons wishing to

establish a private road, and from any cause are unable to obtain the consent of the parties owning the lands affected thereby, the same measures shall be taken and the same law shall apply thereto as in the establishment of public roads, except that only one petitioner shall be necessary; and in the assessment of damages the Road Viewers shall contemplate the erection of good and sufficient gates, and such other means of protection as the petitioner or petitioners may propose to erect; and the final establishment of such private road shall be conditioned upon the erection and keeping in repair all such gates or safeguards provided for, and the payment of all such costs as may have accrued or such damages as may be assessed; and that part of this section having reference to labor on private roads and to record after final establishment, shall be applicable in this instance; and every order establishing a private road shall specify the width of such road, which shall not exceed thirty-three feet. If any person or persons claiming damages on the account of the location or change of any road under the provisions of this Act shall be dissatisfied with the award of the Road Viewers, and cannot agree with the Board of Supervisors as to the amount of damages sustained, and shall refuse to receive the same, or a warrant drawn therefor, such person or persons shall, within ten days from the time of final hearing, commence an action against the county by name for such damages in a Court of competent jurisdiction, which action shall be conducted in like manner as other civil actions in Courts of justice in this State, except as hereinafter provided. The complaint shall be in writing and the summons, with a copy of the complaint, shall be served on the Clerk of the Board of Supervisors; and said Clerk shall notify in writing the President of the Board of Supervisors and the District Attorney of the commencement of such action, which shall be sufficient notice to the county; and it shall be the duty of the District Attorney to appear for the county and defend all actions commenced under the provisions of this Act. The plaintiff, at the time of filing his complaint, shall also file a bond in the sum of three hundred dollars, with two or more sureties, who shall be residents and house or freeholders of the county, and shall justify that they are each worth, over and above their liabilities and debts and property exempt from execution, double the sum named in the bond. The conditions of the bond shall be to the effect that the plaintiff will pay all costs awarded to the county, not exceeding the amount of the bond.

SEC. 8. If the plaintiff in the action shall fail to recover a payment of costs. greater amount of damages than was awarded by the Road Viewers, or than that agreed to be allowed by the Board of Supervisors, all the costs in the case shall be taxed against him, and in favor of the county; and if the costs allowed to the county are not paid within thirty days from the time of the entry of the judgment, it shall be the duty of the District Attorney to proceed upon such bond to collect the same.

SEC. 9. When the action provided for in this Act is in a Justice's Court, it shall be before some Justice of the Peace in the township wherein the county seat is located; and if there be no Justice of the Peace in such township excepting such as are disqualified to act in the case, then the action shall be trans-

Action where triable.

ferred to the nearest Justice in an adjoining township, and the county shall have ten days in which to answer from the time of the commencement of the action, and eight days from the time the copy of the complaint is served.

Damages.

SEC. 10. No public or private road shall be opened, or any change thereof made, until all claims for damages shall have been settled or determined; *provided*, that if any person over whose land such road shall pass shall fail to present his claim for damages to the Board of Supervisors or file his or her complaint in the proper Court, as prescribed in this Act, within the time prescribed, said person shall be deemed to have dedicated the land over which such road shall pass to public use as and for a road; and such person shall be forever barred from bringing or maintaining any action or proceeding for damages therefore in any Court of this State, and the road shall be opened according to the provisions of this Act.

SEC. 11. In all cases of an application or action for damages under the provisions of this Act the claimant shall be deemed the plaintiff, and the county the defendant.

Compensa-
tion.

SEC. 12. Any person performing any service under this Act in reference to the view, location, or survey of roads, shall receive as compensation the following per diem each, to wit: Road Surveyor, five dollars; Viewers, three dollars; Assistant Surveyor, three dollars; chainmen, three dollars; which sums to be allowed by the Board of Supervisors, and paid by their order either by the petitioners or by warrants drawn on the County Road Fund.

Highways.

SEC. 13. All roads in the County of Merced are hereby declared to be public highways which are now used as such and have been declared as such by order of the Court of Sessions or Board of Supervisors; or where it is apparent from the minutes and records of the Board of Supervisors that it was the intention of the Board to declare any road a public highway, and all streets of any unincorporated town, and all roads that may hereafter be established by the Board of Supervisors in accordance with the provisions of this Act.

Road
districts.

SEC. 14. For all the purposes of this Act the road districts as now established shall be the road districts within the meaning of this law, and they may be changed or new ones created by the Board of Supervisors of said county at any time when by them considered necessary.

Election of
Road master.

SEC. 15. The present Road Masters of said county shall hold office until the first Monday in January, eighteen hundred and sixty-eight, and shall perform all the duties and be subject to all the liabilities imposed by this Act, and when this Act shall take effect shall enter into such bond as the Board of Supervisors may require, with sureties, to be approved by said Board, conditioned that they will faithfully perform all duties as Road Masters. At the general election to be held in the year one thousand eight hundred and sixty-seven, and at every general election to be held thereafter, the qualified electors of each road district shall elect some citizen residing in the district as Road Master, who shall give the bond required by this section, and shall enter into the office of Road Master on the first Monday in January, eighteen hundred and sixty-eight, and shall hold such

office for the term of two years, and until his successor is elected and qualified. And the Board of Supervisors are authorized to ^{Vacancies,} fill all vacancies by appointment that may exist in the office of ^{how filled.} Road Master at the time that this Act goes into effect, or that may from any cause thereafter occur, and remove any Road Master from office for neglect or malfeasance in office. And it shall be the duty of the Clerk of the Board of Supervisors to notify each appointee in writing of his appointment within ten days after the same is made. And every person appointed as Road Master shall give the bond required by this section.

Sec. 16. The Board of Supervisors shall have power to levy ^{Levy of road poll tax.} annually a road poll tax, not exceeding three dollars, on each able bodied male inhabitant of said county between the ages of twenty-one and fifty years, which poll tax shall be payable in cash; *provided*, that any person liable to pay said tax may pay the same when called on by the Road Master in labor on the road, under the direction of said Road Master, at the rate of two dollars per day; and having fully worked out his road poll tax, the Road Master shall deliver to him a receipt therefor. Said road poll tax shall be levied by the Board of Supervisors at their last regular meeting in each year, for the year succeeding, which tax shall be due and payable on or after the first Monday of January thereafter; and the Board of Supervisors may in ^{Property tax} their discretion levy annually a property tax, not exceeding twenty cents on each one hundred dollars, for road purposes, which tax when levied shall be collected at the same time and in the same manner as other property taxes. But no such property tax shall be levied if the poll tax provided for in this section be deemed sufficient for road purposes. And for the purposes of this Act, the said Board shall have power to levy all taxes provided for in this Act, for the year one thousand eight hundred and sixty-six, at any regular meeting of said Board after this law goes into effect.

Sec. 17. It shall be the duty of the Road Master, upon entering into office, to proceed to collect the road poll tax from any person liable to pay such road poll tax in his district; and no person shall be deemed or held to have paid said tax unless he shall be able to exhibit a receipt therefor, or testify upon oath or affirmation that he has paid the same; and for all the purposes of this Act the Road Master is hereby authorized to administer oaths and affirmations. Upon any person who may be liable refusing upon demand upon himself or his agent to pay his road poll tax, it shall be the duty of the Road Master to enforce the collection of the same by seizing so much of any species of personal property, debts, or choses in action whatsoever of the delinquent, and if none such can be found, then by levying on and seizing so much of the real property of the delinquent as will be sufficient to pay such tax and costs of seizure and sale; and shall and may sell the personal property ^{Sale.} at any time and place, upon giving verbal notice of one hour previous to such sale; and shall and may sell the realty in the manner prescribed for Sheriff's sales under execution; and any person indebted to another liable to pay said tax, shall be liable

<sup>Powers and duties of
Road master.</sup>

to pay the same for such other person, after service upon him by the Road Master of a written notice, stating the name or the names of the person or persons liable and owing said tax; and the party paying is hereby authorized to deduct the amount thereof from such indebtedness. The Road Master, after deducting the tax for which property was sold, and such fees and costs as would accrue to Sheriffs for like services, shall return the surplus to the owner of the property. A delivery of the possession of personal property by the Road Master to any purchaser shall be a sufficient title to the purchaser; or, if required by the purchaser, the Road Master shall execute a bill of sale.

Employer to give list of employees. The Road Master shall have a right to demand of any employer in his district a complete list of the names of the men employed by him, and any employer refusing or neglecting to give such list when demanded of him by said Road Master, shall be liable to pay a fine of not less than ten dollars nor more than fifty dollars, to be recovered before a Justice of the Peace, in the name of the Road Master, for the use of and to be paid into the Road Fund of said county; he may also demand of each employer a statement, under oath, touching his indebtedness to the laborers employed by him who are liable to pay road poll tax; and if it shall appear upon such statement being made, that such employer is indebted to any person liable to pay road poll tax in an amount equal to said tax due by him, the Master may demand payment of said taxes from such employer; and if such employer refuse or neglect to pay the same, the said Master in his own name may proceed to collect the amount from him by suit before some Justice of the Peace in the township in which his road district may be situated, in the same manner as for a debt under the Civil Practice Act of this State; and such employer shall be liable for all costs, and shall not be entitled to charge the same against any laborer to whom he was indebted, and for whose road poll tax he is liable by this Act; and if such road poll tax be recovered, the Road Master shall deliver to the employer the road poll tax receipts of those whose taxes are thereby paid; and in all suits under this Act the Road Master shall be a competent witness.

Road poll tax receipts. SEC. 18. The Board of Supervisors of said county shall cause proper blank road poll tax receipts to be printed, of a uniform appearance, which shall be numbered consecutively, and signed in writing by the Chairman of said Board, and also by the Clerk of said Board; and no other receipts for road poll tax than those described in this section shall be used for the payment of said tax by the Road Master. The Chairman, after having signed a sufficient number of said receipts, shall deliver the same to the Clerk of said Board, who shall from time to time deliver them in such number as may be needed to the Road Masters of the different districts, unless otherwise ordered by the Board, taking their receipts therefor; and the Clerk shall keep an account, always open to the inspection of the Board of Supervisors, or any of them, of debit and credit with the Road Master of each district. Any person who shall wilfully pass, sell, or transfer, or who shall forge or fraudulently issue any receipt or receipts for road poll tax, contrary to the spirit of this Act, shall be guilty of a misdemeanor, and on conviction

thereof shall be fined a sum not less than one hundred nor more than two hundred dollars, to be paid into the Road Fund of said county.

SEC. 19. It shall be the duty of the Road Master to have the care and general supervision of all public roads within his district, to maintain them in good repair, and to erect such necessary bridges, causeways, and culverts as the means at his command will permit, to keep the roads in his district clear of obstructions, and drain all ponds of water collected therein, and keep such roads properly graded; and the foregoing provisions of this section shall apply to all streets of unincorporated towns declared public roads by the provisions of this Act; and for these purposes the Road Master is hereby authorized to take for the road service any timber, earth, gravel, rock, or other material growing or being in any uninclosed lands in the vicinity of any public road, except that he shall not cut down any tree which has been planted or preserved as a shade or ornamental tree; and upon the application of the owner thereof he shall make such allowance therefor as he may deem just, and shall give to such owner a certificate of said allowance, and upon presentation of such certificate to the Board of Supervisors they may order a warrant to be drawn for said allowance or a less amount, payable out of the County Road Fund; *provided*, that such certificate from the Road Master shall be received in payment of road poll tax upon presentation.

SEC. 20. The Board of Supervisors shall, at their last regular session in each year, fix by order to be entered on their journal, the amount of the percentage that each Master shall receive for the collection of road poll tax for the succeeding year, which percentage shall not exceed twenty per cent on each one hundred dollars collected; *provided*, that for the percentage for the present year, one thousand eight hundred and sixty-six, the said Board may make such order at any regular or special meeting of the present year.

SEC. 21. Each Road Master shall, twice in each year, at some regular session of the Board, by them to be designated and entered on the minutes of their proceedings, and at such other times as the Board may direct, present a correct account of the amount of road poll tax paid in labor, the amount paid in cash, and how much of and for what the same was expended, and the number of days service by him actually and necessarily performed in working upon the roads in his district, which statement shall be verified by his oath or affirmation; and the said Board may examine on oath any Road Master touching his account; and the Road Master shall be allowed in payment of such service such per diem as the Board of Supervisors may deem just, not to exceed five dollars; and he shall at the end of the term of office file with the Clerk of said Board a final settlement, and shall return to him all unsold poll tax receipts, who shall credit said Road Master with the same, and immediately before making his final settlement the said Road Master shall pay into the Road Fund of said county all moneys in his hands remaining unexpended at that time.

SEC. 22. Any Road Master failing or refusing to perform any of the duties prescribed in this Act, besides being liable to be

Powers and
duties of
Roadmaster.

Compensa-
tion.

Pay, and
settlement.

Penalty for neglect of duty. removed, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than one hundred dollars nor more than four hundred dollars, and for which fine his official bond shall be liable, and when collected said fine shall be paid into the Road Fund of said county.

Obstructions. SEC. 23. Any person or persons who shall obstruct any public highway, either by placing an obstruction thereon or by digging a ditch, or deepening the waters of any stream and not bridge the same the full width of the road in the most substantial manner within twelve hours, or sooner, if possible—and any such bridge shall be of the best timber, and not exceeding six feet apart—and planking the same with sound plank not less than three inches in thickness, unless permission shall have been granted by the Road Master of the district to build the bridge of a less size, but in no case to be less than twenty feet in width, shall be guilty of a misdemeanor; and it shall be the duty of the Road Master of the district to prosecute for such offence on behalf of the county, and may call to his aid the District Attorney of the county; and the party offending, on conviction, shall be liable to a fine of not less than fifty dollars nor more than two hundred dollars, with costs of suit, to be collected as other fines; and he shall be further liable, at the suit of the Road Master of the district, in the sum of ten dollars for each day that such obstruction remains after being notified to remove or remedy the same; and whenever any public highway shall be washed away or injured by the breaking of any water ditch or canal, the owner thereof shall be liable for all damages occasioned to said road by said breaking; and it is made the duty of the Road Master in the district to prosecute said owners for all such damages; and all moneys collected under the provisions of this section shall be paid into the Road Fund of said county.

SEC. 24. The taxes collected under the provisions of this Act shall be known as the Road Fund of Merced County.

SEC. 25. This Act shall apply only to the County of Merced.

SEC. 26. This Act shall take effect and be in force from and after its passage.

CHAP. CCXLI.—*An Act for the relief of B. W. Bouris and others, sureties on the official bond of Mark A. Evans.*

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Satisfaction of judgment. SECTION 1. The District Attorney of the County of San Joaquin is hereby directed and required to enter satisfaction of the judgment in the District Court of the Fifth Judicial District in favor of the State of California and against B. W. Bouris and others, sureties on the official bond of Mark A. Evans as County Treasurer of said county, recovered April twenty-fifth, in the year of Our Lord one thousand eight hundred and sixty-four, and affirmed by the Supreme Court on the twenty-eighth day of December, in the year of Our Lord one thousand eight hundred and sixty-five.

SEC. 2. The State of California hereby releases and dis-^{Release.}
charges the said B. W. Bours and others, sureties upon said
bond, from the payment of said judgment and all liability there-
under; *provided*, that said B. W. Bours and others by reason of
this Act shall not be released from the payment of the costs in
said suit.

SEC. 3. This Act shall take effect from and after its passage.

March 7th, A. D. 1866.—Returned to Assembly without the approval of the Governor.
In ASSEMBLY, March 10th, 1866.—Passed by the constitutional majority over the
Governor's veto.

JOHN YULE,
Speaker of the Assembly.

M. D. BORUCK, Clerk of the Assembly.

In SENATE, March 12th, 1866.—Passed by the requisite constitutional majority
over the Governor's veto.

T. N. MACHIN,
President of the Senate.

JOHN WHITE, Secretary of the Senate.

CHAP. CCXLII.—*An Act concerning the County Clerk, Recorder,
and County Auditor of Tulare County.*

[Approved March 17, 1866.]

*The People of the State of California, represented in Senate and
Assembly, do enact as follows:*

SECTION 1. The County Clerk of Tulare County to be elected at the next general election for county officers in said county, and his successors in office shall be ex officio Clerk of the District Court, Clerk of the Probate Court, Clerk of the Board of Supervisors, Clerk of the Board of Equalization, County Auditor, and County Recorder, and shall perform all the duties that are or may hereafter be required of him by law in connection with his said office and the ex officio offices thereto attached.

SEC. 2. Bonds in the same amount as are now required by ^{Bonds.} law to be given by the County Clerk, Auditor, and Recorder of Tulare County shall be executed by said Clerk before entering upon the discharge of his duties.

SEC. 3. The County Recorder elected at the general election for county officers on the first Wednesday of September, A. D. eighteen hundred and sixty-five, in and for said county, shall from and after the passage of this Act become County Clerk of Tulare County, and hold the ex officio offices thereto attached by section one of this Act, and shall, before entering upon the discharge of his duties, execute bonds as provided in section two of this Act.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act, so far as they relate to the officers of Tulare County mentioned herein, are hereby repealed.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCXLIII.—*An Act to re-incorporate the City of San José.*

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Corporate rights. SECTION 1. The corporation or body politic and corporate now existing and known as the City of San José shall remain and continue to be a body politic and corporate in name and in fact, by the name of the City of San José, and by that name shall have perpetual succession; may sue and defend in all Courts and places, and in all matters and proceedings whatever; and may have and may use a common seal, and the same may alter at pleasure; and may purchase, receive, hold, and enjoy real and personal property, and sell, convey, and dispose of the same for the common benefit. The boundaries of the City of San José shall be as follows: Beginning on the centre line of Second street, at a point one mile and a half southeasterly from its intersection with the centre line of San Fernando street; thence running in a straight line parallel with San Fernando street to the centre of the Coyote Creek; thence down, following the centre of said creek to its intersection with a line drawn through the centre of Rosa street; thence along said line through the centre of Rosa street, in a straight course, to a point forty rods southwesterly from the west bank of the River Guadalupe; thence in a straight line to a point in the centre line of San Fernando street, produced forty rods southwesterly from the said west bank of the River Guadalupe; thence in a straight line parallel with Second street to a point that a line drawn from it to the place of beginning will be parallel with San Fernando street; thence along said line to the place of beginning. Also, the jurisdiction of said city shall extend to and embrace all that certain plat or parcel of land as now inclosed for a public cemetery, and known and designated as "Oak Hill Cemetery."

Government SEC. 2. The government of said city shall be vested in a Mayor, a Common Council, to consist of six members, a City Marshal, a City Clerk, and a City Treasurer.

Elections. SEC. 3. On the second Monday of April in each and every succeeding year, a charter election shall be held, at which the legally qualified voters of said city shall elect the several respective officers as hereinafter provided, viz: a Mayor shall be elected at the charter election to be held on the second Monday in April, A. D. eighteen hundred and sixty-six, and on each alternate year thereafter, who shall hold his office for two years and until his successor shall be duly elected and qualified; a City Clerk shall be elected at the charter election to be held on the second Monday in April, A. D. eighteen hundred and sixty-six, who shall hold his office for one year and until his successor is duly elected and qualified; but at the charter election to be held on the second Monday in April, A. D. eighteen hundred and sixty-seven, and on each alternate year thereafter, a City Clerk shall be elected who shall hold his office for two years, and until his successor is duly elected and qualified; a City Marshal shall be elected annually at the

charter election to be held on the second Monday in April, and ^{Elections.} shall hold his office for one year and until his successor shall be duly elected and qualified; a City Treasurer shall be elected annually at the charter election to be held on the second Monday in April, and shall hold his office for one year and until his successor shall be duly elected and qualified; three Councilmen shall be elected annually at the charter election to be held on the second Monday in April, who shall hold their offices for two years and until their successors are duly elected and qualified. The three Councilmen elected and qualified under the present city charter whose term of office would expire in April, A. D. eighteen hundred and sixty-seven, shall be and remain the Councilmen of said city until the expiration of said term, and until their successors are duly elected and qualified. The officers of the present city government shall continue in office under this charter with such powers and duties as are herein prescribed until their successors are elected and qualified, and nothing herein contained shall be construed to release any person heretofore holding office in said city from any personal liabilities which they may have incurred by any of their official acts.

SEC. 4. It shall be the duty of the Common Council to call ^{same.} all city elections; to designate the time and places of holding the same, giving at least ten days notice thereof, and for all of which they shall appoint one Inspector and two Judges of Election, who, together with two Clerks, to be appointed by them, shall take the oath of office prescribed by law for Inspectors, Judges, and Clerks of State and county elections; and all provisions of law regulating elections for State and county officers shall apply, so far as practicable, to elections under this charter. The polls for all elections shall be opened at nine o'clock A. M., and continue open until six o'clock P. M. of the same day. In case any of the officers so designated shall fail to attend, those attending, with the electors assembled, shall fill their places by appointing other competent persons from among the qualified electors present; and all returns of city elections shall be made out and signed by the officers of such election in the usual form, and deposited with the City Clerk; and the persons having the plurality of the votes cast for each of the respective offices voted for shall be declared duly elected; and no person who is not a qualified voter shall be eligible to any office under this charter; nor shall any person be entitled to vote at any city election unless he shall be an elector for State and county officers, and shall have actually resided within the city thirty days next preceding such election.

SEC. 5. The Mayor and Common Council shall meet within five days after any election, and canvass the returns, and declare ^{Canvassing returns.} the result; and when two or more persons for any office have an equal and highest number of votes, the Common Council shall decide the election by a plurality vote of their own Board. Should any of the officers elected fail to qualify and give the bond required, for the period of ten days after their election, the office shall be deemed vacant, and shall be filled as herein-after provided.

SEC. 6. The Mayor and Common Council shall hold their regular meetings on the first Monday of each month; a majority

Common Council meetings. of all the members shall be a quorum; a less number may adjourn from time to time, and may compel the attendance of absent members. The Mayor shall preside at all meetings of the Common Council, but shall be entitled to no vote unless in case of a tie. In the absence of the Mayor at any of the regular or adjourned or called meetings of the Common Council, if five members be present they may choose one of their own number to preside at such meeting; and all business transacted at such meeting and all acts of their presiding officer shall have the same validity as if presided over or done by the Mayor.

Ordinances. Every order made and ordinance passed by the Common Council, in order to have legal force, must receive the approval of the Mayor, or if he refuse to approve the same, to render such order or ordinance valid it must receive the votes of five of the Councilmen.

Vacancies. SEC. 7. If at any time either or any of the officers created by this Act, by sickness, absence, or otherwise, shall neglect, refuse, or be unable to perform the duties of his office for a period of three consecutive months, his office shall be deemed vacant, and shall be so declared by the Common Council. If any such vacancy shall occur in the office of Mayor or Councilmen at any time three months previous to the regular election, the same shall be filled by a special election to be called by the Common Council for that purpose. If any vacancy shall occur in the office of City Marshal, Clerk, or Treasurer, the same shall be filled by appointment by the Common Council.

OF THE COMMON COUNCIL.

Powers and duties. SEC. 8. The Common Council shall determine the rules of its own proceedings, shall judge of the qualifications of its own members, keep a journal of its proceedings, compel the attendance of its members, and punish for disorderly conduct; and for such conduct may expel a member by a two-thirds vote. They shall have power to pass all proper and necessary laws for the regulation, improvement, and sale of lands and other property of the city except the sale and disposal of public squares; to license all and every kind of business authorized by law and transacted or carried on in said city; to fix the rates of license tax upon all such business, which shall not exceed the amount fixed by law for State and county purposes, with fifty per cent added thereto; provided, that in the business of selling intoxicating drinks in less quantities than one quart, and on any other business not provided for by law, the amount of license shall be fixed at their discretion as they may deem the interest and good order of the city may require; to purchase, hold, and lease property on which to erect suitable buildings for public schools and fire department of the city, including lands and structures required for public use and utility to the city; to purchase, sell, hold, and maintain fire engines and all implements for the prevention and extinguishment of fires; to organize and maintain a fire department, and establish fire limits; to construct wells and cisterns and viaducts to supply the city with water; to lay out, alter, open, improve, cleanse, and repair the streets and sidewalks; to repair any property of the city; to regulate for the

protection of health, cleanliness, ornament, peace, and good order of the city; to prevent and remove nuisances; to establish prisons; to provide for the care and regulation of prisoners, for the employment of vagrants and prisoners upon the public works of the city; to prohibit and suppress gambling houses and houses of ill fame, all indecent and immoral amusements and exhibitions; regulate the location of slaughter houses, marketes, and houses for the storage of gunpowder and other combustibles; to impose and appropriate fines, penalties, and forfeitures for any and all violations of city ordinances, and for a breach or violation of any city ordinance, may fix the penalty by fine or imprisonment, or both fine and imprisonment; but no such fine shall exceed one hundred dollars, or such imprisonment for a term exceeding thirty days for any one offence; or may sentence to labor on the streets or public property of the city. To levy and collect taxes upon all the taxable property within the city, which for city purposes as apportioned to the General Fund for current expenses shall not exceed one half of one per cent upon the assessed value thereof; to pass such ordinances, resolutions, and by-laws for the regulation of the police and entire government of said city as may not be inconsistent with the provisions of this charter or with the Constitution and laws of this State or of the United States.

Sec. 9. The Common Council shall not create, audit, or allow, nor permit to accrue any debts or liabilities above the actual revenue and available means in the Treasury that may be legally apportioned and appropriated for such purposes; nor shall any warrant be drawn nor evidences of indebtedness be issued, unless there shall be sufficient money in the Treasury justly applicable to meet the same, (except as hereinafter provided.)

Sec. 10. All accounts and demands that shall lawfully arise against the city shall be submitted to the Common Council, and if found correct, shall be allowed, and an order made that the demand be paid; upon which, the Mayor shall draw his warrant, countersigned by the Clerk of the Council, upon the Treasurer, in favor of the owner or owners, specifying for what purpose and by what authority it is issued, and out of what fund it shall be paid; and the Treasurer shall pay the same out of the proper fund.

Sec. 11. At each regular meeting of the Common Council they shall inquire into the condition of the streets, bridges, sewers, schools, school houses, and fire department, and all property of the city. And if at any time it shall appear that the interests of the city demand an expenditure of more money than at such time is in the Treasury applicable for such purposes, they shall make a report of the same, to be published for at least four consecutive weeks in some newspaper printed and published in said city, particularly specifying the object or objects for which the expenditure is required, and the amount of money necessary to be raised by special tax to meet the same. At any time within fifteen days after the expiration of such publication, the Common Council shall order an election,

giving ten days notice thereof, at which those persons who are legal voters of said city may vote for or against such tax. The election shall be conducted and returns made and canvassed in all respects as the general elections of said city, and the voting shall be by ballot, and a majority vote shall determine if such tax shall be levied or not. If the vote is in favor of levying the tax, the Common Council shall forthwith order the tax or taxes to be levied and collected upon the basis of the last assessment, and shall make the proposed expenditure; *provided*, that the special tax thus to be levied shall for no one year be more than one half of one per cent upon the valuation of the real and personal property, as shown by the last assessment roll; and, *provided*, further, that if the amount of money as specified in said notice for such proposed improvements, and voted to be raised, shall exceed the sum of one half of one per cent, the Common Council are hereby authorized to issue interest bearing certificates of indebtedness for any such deficiency, which certificate shall state the rates of interest to be paid, which in no case shall exceed the sum of ten per cent per annum; and, *provided*, further, that no other debt can be created, nor special election called to create any debt, until the outstanding interest bearing certificates of indebtedness of said city shall have been fully paid and cancelled. All special taxes ordered to be levied and collected shall be so levied and collected in the manner, forms, and ways prescribed for the levying and collecting of the general taxes of said city.

Certificates of indebtedness, and interest.

Collection of taxes. SEC. 12. The Common Council shall have power and it is hereby made their duty to provide by ordinance for the levying and collecting of all city taxes, and in so doing, shall be governed by the State laws in reference to the levying and collecting of State and county taxes, so far as the same may be applicable, and may in like manner from time to time provide for the collection, by civil action or otherwise, of all taxes levied or assessed by them, or under their authority, for city purposes, that now have or may hereafter become delinquent; and in case such taxes be collected by civil action, the Courts of justice shall have the same jurisdiction, the complaint, answer, and other pleadings, shall substantially conform to the same requirements, and the summons and other process of such Court shall be issued, served, and returned in the same manner as is or may be provided by law for the collection of delinquent taxes levied for State purposes; and all sales and conveyances of property made and executed for the non-payment of delinquent taxes shall have the same force and effect as when made and executed for the non-payment of delinquent taxes levied for State purposes. And every tax levied by said Common Council under the provisions of this Act or of any former Act which was in force and effect, and which may become repealed by the provisions of this Act, is hereby made a lien against the property assessed, which lien shall attach on the first Monday in May in each year, and shall not be satisfied or removed until the taxes are all paid, or the property has absolutely vested in a purchaser under a sale for taxes. The delinquent list, or a copy thereof, certified by the City Clerk, made out substantially in the form prescribed for making out the list of delinquent taxes levied for State purposes,

showing unpaid taxes against any person or property, shall be prima facie evidence in any Court to prove the assessment of the property assessed, the delinquency, the amount of taxes due and unpaid, and that all forms of law in relation to the assessment and levy of such taxes have been complied with.

Sec. 13. The Common Council shall raise annually by tax-^{Taxation, and rate thereof.}ation upon the real and personal property within the city, as estimated in the preceding assessment roll, such tax as shall be necessary for the support and maintenance of the public schools of the city. They shall also in like manner raise a tax for the support of the fire department of the city, a sum not to exceed one fifth of one per cent, and for general purposes a sum not to exceed one half of one per cent. They may also raise annually by taxation upon all the real and personal property within the city, as estimated by the preceding assessment roll, for purposes of sewerage and drainage of said city, a sum not to exceed one fourth of one per cent. All license taxes, unless otherwise ordered by the Common Council, shall be apportioned to the General Fund; and all taxes and licenses herein authorized to be collected, shall be collected in the legal currency of the State, as prescribed in reference to State and county taxes.

STREETS AND PUBLIC SQUARES.

Sec. 14. The Common Council are hereby authorized and ^{Grading, and improvements.}empowered to order the whole or any portion of any street or streets, lane or lanes, alleys, courts, or squares graded or regraded to the official grade, paved, gravelled, or macadamized, and have the same repaired; to order sidewalks, culverts, sewers, drains, and curbing constructed and repaired; to improve and beautify the public squares, and to order any other work to be done which shall be necessary to make and complete the whole or any portion of the said streets, sidewalks, lanes, alleys, and squares, as in their opinion the public good and convenience requires.

Sec. 15. The Common Council may order any of the work ^{Notice.}herein authorized to be done, after a notice of their intention so to do, in the form of a notice of intention, describing the proposed work, signed by the Clerk, after being published for two consecutive weeks. At the expiration of the time as given in any such notice of intention, said Common Council shall be deemed to have acquired jurisdiction to order any of the work herein provided for to be done; and all owners of lands, or lots, or portions of lots, who may feel aggrieved, or who may have objections to any of the subsequent proceedings of the Common Council in relation to the work proposed and described in the notice of intention, shall file with the City Clerk a remonstrance, wherein they shall state in what respect they feel aggrieved, and their reasons for objecting to the proceedings; said remonstrance shall be considered by the Common Council, and their decision thereon shall be final and conclusive; *provided*, that if more than one half of the owners or occupants, or the owners or occupants of more than one half of the real estate fronting on any street, lane, alley, or square, on which as a whole said work or improvement is proposed to be done, shall

remonstrate against said work or improvement, said Common Council shall then suspend further proceedings for the term of six months, unless such owners or occupants aforesaid shall sooner petition the Common Council to have such improvements made; and it being further *provided*, that if at any time of the hearing of such remonstrance against said work or improvements, or at any time subsequent thereto, it shall come to the knowledge of the Common Council that said proposed improvements or any portion of them are an immediate public necessity, they shall then proceed in reference to said proposed work or improvements, or so much thereof as they may deem and declare to be necessary, as if no remonstrance had been made.

Survey.

SEC. 16. It shall be the duty of the Common Council to cause an immediate survey of any such proposed work or improvements to be made by the City or some other competent surveyor, who shall, on the conclusion of said survey, produce a map or diagram indicating the proposed grade and the amount of excavation or filling in front of each person's real estate to the middle of the street, all lots on the corners of blocks to include the cross streets; or if the improvements only extend to the sidewalks, then he shall indicate as aforesaid the amount of excavation or filling of the sidewalks in front of each person's real estate. If the Common Council approve the survey, diagram, and specifications of the surveyor, the same shall be placed on file in the office of the City Clerk, and they shall order said improvements to be made, and shall cause such order to be published for at least three consecutive weeks in some newspaper published in the City of San José. At the expiration of such notice, the Common Council may determine by ordinance or resolution at what time said work or improvements shall be commenced, and within what time all of which shall be completed, and also may in their discretion extend the time so fixed; and such of the persons having frontage on the line of the proposed work or improvements shall have the privilege of doing the same, in accordance with the requirements of the order, survey, diagram, and specifications of the surveyor on file in the office of the Clerk as aforesaid; but if the owner or occupant of any such real estate fail or neglect so to do within the time fixed for doing the same, or within any extension of time which may have in the discretion of the Common Council been granted, it shall be the duty of the City Marshal to let out, in a manner described by the resolution or ordinance of the Common Council, the doing of all the work or the making of all the improvements remaining unfinished; and when the doing of all such work or the making of all such improvements shall have been finished and accepted by the surveyor and City Marshal, they shall certify the same to the Common Council, who shall order the City Clerk, as ex officio City Assessor, to make an assessment of the cost thereof, as apportioned to each of the persons or occupants owning or occupying said real estate—which said assessment shall constitute a lien upon such real estate, dating from the time such work or improvements was ordered—and after due notice, present the same to the Common Council, who shall, on a specified day, sit as a Board of Equalization thereon, and shall hear and determine in reference thereto in manner as is required for the

**Assessment,
and equaliza-
tion.**

equalization of other city taxes; and all persons feeling aggrieved in reference to any such assessment, shall at such time, either in writing or otherwise, specifically make known the cause of their objections and complaint, which shall be heard and passed upon by said Board of Equalization, and their determination therein shall be final and conclusive; and when thus equalized and approved by them, said list shall be properly certified by the City Clerk and placed in the hands of the City Marshal for collection, and all subsequent proceedings in relation thereto shall be the same as prescribed herein for the collection of other city taxes, as far as the same may be applicable.

SEC. 17. The cost of the survey, specifications, maps, or diagram of any of the work or improvements hereinbefore mentioned, together with all culverts and street crossings, shall be paid by the city.

SEC. 18. When any street, or portions of any street, or the sidewalk, or any portion thereof, becomes in a condition to be dangerous, or in a condition to cause great public inconvenience, the City Marshal shall, by notice in writing, to be delivered to them personally, or posted on the premises of the owners, occupants, or tenants, upon any real estate in front of which such repairs or improvements are required to be made, require them to make such improvements or repairs forthwith, particularly specifying in such notice what improvements or repairs are required to be made. If such improvements or repairs are not commenced within three days after notice given as aforesaid, and diligently prosecuted to completion without unnecessary delay, the City Marshal shall be deemed to have acquired jurisdiction to contract for the doing of the work or improvements required by said notice, and may enter into a contract with any competent person to make the required improvements or repairs at the expense of the owner of such real estate, at such price as he may deem reasonable and just, and such owner shall be liable to pay the same, and such sum or sums of money contracted to be paid for said work or improvements shall be a lien upon the real estate in front of which, to the middle of the street, said work or improvement shall have been made, and may be collected by civil action from the personal effects of such owner or owners, or a tax levied or assessed and equalized, as provided in section sixteen of this Act; and all money collected by the City Marshal for the construction, improvements, or repairs of any street, lane, alley, or sidewalk, if collected by an assessment duly equalized and certified, shall be paid to the City Treasurer as a special fund to the credit of the particular object for which it was assessed; or if collected by voluntary payment, or by civil action from the personal effects of the owner of such real estate, he shall pay the same over to the contractor, taking his receipt therefor, a duplicate of which he shall file with the City Clerk; and for all assessments made upon real estate for the construction, improvement, or repairs of any street, lane, alley, or sidewalk, such an amount shall be added to each and every of such assessments, in addition to the contract price thereof, as will be sufficient to pay the fees of the Collector and Treasurer as allowed by law.

*Pay for
survey.*

*Repairs of
streets and
sidewalks.*

Payment for improvements. SEC. 19. The city or the proper authorities thereof shall not be held responsible for nor assume the payment of any money for work done or repairs and improvements made until after all demands on the owners or occupants of such real estate have been paid or prosecuted to final collection; and in case of failure on the part of the city to collect such tax from the owner or occupant, or from the real estate, the person or persons having contracted for, done and completed any part of or the whole of such work done or repairs and improvements made, may present the same to the Common Council and be allowed and paid therefor from the General Fund of said city.

Cemetery, and sexton. SEC. 20. The Common Council shall have power and it is hereby made their duty to appoint some suitable and competent person as Superintendent and sexton of "Oak Hill Cemetery," who may be removed by the Common Council only for incompetency or gross neglect or violation of the duties required of him. Such sexton shall have power to make arrests of persons who may trespass upon the cemetery grounds or found guilty of violating any of the laws or rules for the protection and government of said cemetery as prescribed by ordinance or resolution of the Common Council. The Common Council shall have power to make all needful laws and regulations for the government of said cemetery. They shall in such laws particularly set forth the duties of the sexton and provide for his compensation.

City Attorney. SEC. 21. The Common Council, when, in their opinion, the public good so requires, shall appoint a City Attorney, also a City Surveyor, the duties and compensation of each of said officers to be prescribed by the Common Council.

Board of Equalization SEC. 22. The Common Council, or a committee of their number appointed for that purpose, shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed in his assessment, and after ten days notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor; and shall have power to modify and change such valuation in any way they or a majority of them shall deem just and proper; said meetings may be held from time to time, as in said notice specified, for the period of two weeks, and no longer. When meeting as a Board of Equalization upon assessments for the construction or repairs of any street or sidewalks, they shall hold their sessions for such period of time only as may be required to consider the matters submitted to them and take action in reference thereto. The Mayor and members of the Common Council shall receive no compensation for their services, (except as in this Act is allowed to the Mayor,) neither shall they, or either of them, or any subordinate officer of the city government, be interested directly or indirectly during their term of office in any contract pertaining to any of the departments of the city; and all contracts in violation of this provision shall be declared void.

ON OPENING NEW STREETS.

SEC. 23. The Common Council of the City of San José shall, ^{Petition and Survey.} whenever a petition signed by twenty-five citizens of said city praying for the opening of any new street or streets, or the extending, widening, altering, or vacating of any street or streets, lanes or alleys in said city, if deemed by them a public necessity, direct by ordinance the City Surveyor to make an accurate survey of any such proposed street or streets, lane or alley, and return the same to the Common Council at its next regular meeting or within such time as the Common Council shall by ordinance or resolution direct. Said survey shall be accompanied with a report and diagram map, showing the location of such proposed street or streets, lane or alley, and the width thereof; also, the boundaries of the lands of each owner thereof through whose land such street or streets, lane or alley are proposed to be located, widened, altered, or vacated. And for the purpose of making such survey, the Surveyor shall have the right to enter upon any and all lands; but the city shall be liable to the owner or owners for any injury done to any such premises by reason of such entry.

SEC. 24. Within ten days after the filing of such report and ^{Notice.} map of the proposed work, the City Attorney shall, by careful examination of the records of the county, ascertain and report to the Common Council the names of all owners of any such lands, as the same shall appear of record, with the description of the land belonging to each person. Upon the filing of the report, the City Clerk shall issue notice, directed generally to all persons interested, setting forth that such petition has been filed and that the survey of such proposed street or streets has been made, and that the names of the owners and occupants of the lands through which said street or streets will run are thereon designated; and also a statement that proceedings will be instituted for the condemnation of such lands for public purposes, unless all such owners shall, within ten days of the date thereof, make, execute, and deliver to the city, deeds of donation of the lands sought to be so appropriated; said notices shall be served by the City Marshal, by posting copies of the same in some conspicuous place on the premises belonging to each owner. If, after the expiration of said ten days, all or any of ^{Appropriation of lands} said owners shall fail to donate said lands for such purposes, the City Attorney shall file in the Clerk's office of the District Court in the County of Santa Clara a petition, stating therein that the petition referred to in the twenty-third section was duly presented to the Common Council, that such survey had been made, the description by metes and bounds, or by some accurate designation of said street or streets, and the width thereof, which in no case shall exceed one hundred feet, the description of the tracts of land belonging to each person through which such street or streets will run, and the description and amount of land taken by such street or streets from each of said owners, that the said last named tract or tracts of land are necessary for said purposes, and the names of the persons in possession of said tract or tracts of land, and of those

claiming any right, title, or interest therein, as far as the same can be ascertained by reasonable diligence.

Defendants. SEC. 25. The persons in the occupation of said tract or tracts of land, and those having any right, title, or interest therein, whether named in the petition or not, shall be "defendants" thereto, and may appear and be heard before the Commissioners herein provided for and in proceedings subsequent thereto, in the same manner as if they had appeared and answered said petition.

Hearing. SEC. 26. The said Court or Judge thereof, either in term time or vacation, shall by order appoint the time for the hearing of said petition, and such hearing may be had and all orders in said proceedings may be made by the said Court, or the Judge thereof, either in term time or vacation.

Notice. SEC. 27. The City Attorney shall cause all the owners and occupants of said tract or tracts of land, so far as the same can be ascertained by reasonable diligence, who reside in said city, to be personally notified of the pendency of said petition at least ten days before the hearing thereof; and if any of said occupants or owners are unknown, or do not reside in said city, and have not been personally notified of the pendency of said petition, said City Attorney shall cause a notice, stating the filing of said petition, the object thereof, the tract or tracts of land sought to be appropriated, and the time and place of the hearing of said petition, to be published for three successive weeks previous to the time of hearing of said petition in some newspaper published in said city.

Commissioners. SEC. 28. The defendants to said petition may appear and show cause against said petition on or before the time for the hearing thereof, or such other time as the hearing may be continued to; and upon satisfactory proof being made that the defendants have been duly notified of the pendency of said petition as herein prescribed, and upon the hearing of the allegations and proofs of the said parties, if said Court or Judge shall be satisfied that the lands or any part thereof are necessary or proper for any of the purposes mentioned in said petition, then such Judge or Court shall appoint three competent and disinterested persons as Commissioners, one of whom shall be selected from among the persons, if any, named for that purpose by said city, and one shall be selected from among the persons, if any, named on the part of any of the defendants, to ascertain and assess the compensation to be paid to the person or persons having or holding any right, title, or interest in or to each of said tracts of land, for and in consideration of the appropriation of such land to the use of said city. If any vacancy occur among said Commissioners by reason of any one or more of them refusing or neglecting to act, or by any other means, one or more Commissioners may be appointed by said Court or Judge to fill such vacancy, upon notice being given of such vacancy, as said Court or Judge may direct.

Powers and duties. SEC. 29. The said Court or Judge shall appoint the time and place for the first meeting of said Commissioners, and the time for the filing of their report, and may give such further time as may be necessary for that purpose if they shall not have completed their duties. The said Commissioners, or a majority of

them, shall meet at the time and place as ordered, and before entering on their duties shall be duly sworn to honestly, faithfully, and impartially perform the duties imposed upon them; and any one of them may issue subpoenas for witnesses for either parties, and may administer oaths; and said Commissioners may adjourn from place to place and from time to time as may be necessary for the proper discharge of their duties.

SEC. 30. The said Commissioners shall proceed to view the several tracts of land as ordered by the said Court or Judge, and shall hear the allegations and proofs of said parties, and shall ascertain and assess the compensation of the lands sought to be appropriated, to be paid to the person or persons having or holding any right, title, or interest in or to each of the several tracts of land. In ascertaining such compensation, they shall take the actual value of such land, and the actual value of improvements thereon that may be wholly destroyed or rendered valueless by such appropriation; but the amount of any resulting damages that they may find from the evidence of any such person will have sustained by reason of such appropriation, other than such actual value of said premises, may be offset against the value of any benefit or advantage that in their opinion will accrue to him or them by reason of the opening, widening, or extending of any street or streets, lane, or alleys; and said Report. Commissioners shall, on or before the time or times as ordered by said Court or Judge, file in said Clerk's office their report, signed by them or a majority of them, setting forth their proceedings in the premises, and they may include all of said tracts in one report, or may make several reports, including one or more of said tracts of land, if the said Court or Judge should so order, or if they shall deem it proper.

SEC. 31. In case there are adverse or conflicting claims to the compensation or damages assessed for any tract of land, or any right, title, or interest therein, thus sought to be appropriated, the parties thus ascertaining [asserting] such claim shall present the same by petition to the Court or Judge after the report of the Commissioners shall have been filed, and said Court or Judge shall proceed to determine the same; and in such case said city, instead of paying to any of said parties so contesting, may pay the amount of such compensation to the Clerk of said Court, to abide the order of the Court or Judge in said proceedings, and the city shall not be liable for any of the costs caused by the adjudication of such conflicting claims. The said city, or any of said defendants, if dissatisfied with the report, may, within twenty days after the time for the filing of said report, and after ten days notice to the parties interested, move to set aside the report, and to have a new trial as to any tract of land, and upon good cause shown therefor the said Court or Judge shall set aside the report as to such tract of land, and may re-commit the matter to the same or to other Commissioners, who shall be ordered to proceed in like manner as those first appointed. But such matter shall not be more than once re-committed to [the] Commissioners.

SEC. 32. Upon the expiration of twenty days after the filing of said report or reports, or at such further time as may be

Confirmation of report. appointed therefor, if the motion and notice shall not have been made and given as aforesaid, and if the proceedings of said Commissioners appear to have been correctly and properly done, the said Court or Judge shall confirm each of said reports, and certify the same thereon.

Report to be recorded. SEC. 33. Each of said reports and the certificates thereon, upon the compensation therein named being paid, shall be recorded in the Recorder's office of the said county by said city. The said Court or Judge may make all such orders as may be necessary or proper in special proceedings provided for in this Act, and shall cause the pleadings and proceedings to be amended whenever justice may require it to be done; and shall direct the manner of service of all orders and notices not herein specially provided for. Costs in such special proceedings shall be taxed by the Clerk at the rates prescribed in the fee bill for said county in civil actions, and shall be paid by said city, except in case where a defendant shall move for a new trial; and the compensation assessed by the Commissioners shall not be increased more than ten per cent upon the previous assessment, in which case the defendants shall pay the cost.

Costs. SEC. 34. Upon the report of the Commissioners being filed for record as above provided for, and upon the payment or tender of the compensation and cost, as provided for in this Act, the real estate, or the right, title, or interest therein described in such report, shall be and become the property of said city, to be used as a public street or streets, and appropriated to public use.

Payment for land. SEC. 35. Within thirty days after the final confirmation of the report or reports, the Common Council may, if there be no money in the Treasury to be appropriated for such purpose, and if they deem such an amount of expenditure necessary for the general interest of the city, provide for the raising and paying of such sum or sums as may have been finally awarded by the said Court or Judge to any person or persons for property appropriated as aforesaid, as specially directed and provided for in foregoing sections of this charter; and if said tax shall, as required, be voted for, levied, collected, and received into the City Treasury, the same shall, upon the order of the Common Council, be paid by the City Treasurer to the County Clerk for the person or persons entitled thereto, the said Treasurer taking the said Clerk's receipt therefor; and the same shall be deemed and taken as a payment to such person or persons, and shall be as effectual for all purposes whatever as if the said sum or sums of money had been paid personally to each of the persons entitled thereto.

SEC. 36. The said Court or Judge shall, at the time of the payment of the said sum of money to the said Clerk, or at such other time or times as may be ordered, direct and order the same to be paid over to the person or persons who shall, upon satisfactory proof, appear to be entitled thereto; and shall at the time direct that any and all persons having or holding possession of any of the lands or premises described in said report, yield and deliver up the same to the city; and the said Clerk, on the demand of the City Attorney, shall issue a writ commanding the Sheriff to remove all persons therefrom.

SEC. 37. The minutes of the proceedings had before such Judge shall be entered by said Clerk in the same manner and with the same force and effect as if the proceedings were had before said Court in term time.

THE MAYOR, AND HIS DUTIES.

SEC. 38. The executive power of the corporation shall be vested in the Mayor. It shall be the duty of the Mayor to be vigilant and active in causing the laws and ordinances of the city to be duly executed and enforced; to be at the head of the police; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine into all such complaints as may be preferred against any of them for violation or neglect of duty, and certify the same to the Common Council; and may suspend the function of such officer until the charges preferred against him can be inquired into by the Common Council; to sign all licenses and warrants on the Treasury; to administer oaths or affirmations upon any and all matters and business pertaining to said city; and generally perform all such duties as may be prescribed for him by law or by the city ordinances; to communicate to the Common Council semi-annually, and oftener if he thinks proper, a general statement of the situation and condition of the city in relation to its government, finances, and improvements, and such recommendations in reference thereto as he may deem expedient.

SEC. 39. When there shall be a vacancy in the office of Mayor, Absence or vacancy. or the Mayor shall be absent from the city, or from other cause may be prevented from attending to the duties of his office, the Common Council shall appoint one of their number, who as President pro tem of the Common Council, shall also be ex officio Mayor of said city during such vacation, and shall in all respects be legally qualified to discharge the duties of such position; and if such vacancy be so filled for the period of one month, such incumbent shall be entitled to the emoluments of such office for such period of time.

SEC. 40. The Mayor shall receive as a salary the sum of six hundred dollars per annum, the same to be paid quarterly from the General Fund of said city; he shall also be entitled to collect and receive for the execution of any deed, contract, or lease for any real estate belonging to the city, other than for lots in the public cemetery, the sum of three dollars, to be collected from the parties receiving the same.

DUTIES OF THE CITY MARSHAL.

SEC. 41. The department of police of said city shall be under the direction of the City Marshal; and for the suppression of any riot, public tumult, disturbance of the public peace, or any organized resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon Sheriffs by the laws of this State; and his lawful orders shall be promptly executed by deputies, police officers, watchmen, and constables in said city, and every citizen shall also lend him aid, when

required, for the arrest of offenders and maintenance of public order. He shall and is hereby authorized to execute and return all process issued and directed to him by any legal authority; to enforce all ordinances passed by the Common Council, and arrest all persons guilty of a violation of the same; to prosecute before some competent tribunal for all breaches or violations of city ordinances; to collect all license taxes that shall at any time be due the city, and to receipt for the same; to receive the tax list, and upon receipt thereof to proceed to collect the same at the same time and in the same manner as is prescribed by law for the collection of State and county taxes; the said Marshal being hereby vested with all and the same powers to make collections of taxes, by sale and conveyance of real estate, as is or shall hereafter be conferred upon Collectors and Sheriffs for the collection of State and county taxes; and it shall be the duty of the City Marshal to collect in the same manner and with the same authority any tax list placed in his hands without any unnecessary delay; and to pay all taxes, license, and other money collected by him belonging to the city, to the City Treasurer on the first Monday of each month, or as much oftener as the Common Council may by ordinance direct, taking the City Treasurer's duplicate receipts therefor, one of which he shall file with the City Clerk; he shall also at the same time file with the City Clerk his affidavit, stating that such receipt embraces all the money collected by him belonging to said city for the preceding month or such other period of time as may have been prescribed, which oath shall be subscribed and sworn to before the City Clerk.

Prison.

SEC. 42. The City Marshal shall also have the charge of the City Prison and prisoners confined therein, and all those who are sentenced to labor upon the streets or public works of the city, and shall see that all orders and sentences in reference to such are fully executed and complied with.

Street Commissioners.

SEC. 43. The City Marshal shall also perform the duties of Street Commissioner, and in reference thereto he shall be governed by the provisions of this charter and such laws and regulations in reference thereto as are now in force or may hereafter be adopted by the Common Council.

Compensation.

SEC. 44. He shall receive for his services as such Marshal the sum of one thousand dollars per annum, to be paid quarterly from the general fund of said city; he shall also be entitled to receive and retain two and one half per cent upon all moneys collected by him on account of any tax list placed in his hands, licenses, or other collections, as he may be by law required to make. He may also, with the concurrence of the Common Council, appoint one or more deputies, whose only compensation shall be such as may be realized from costs collected by them while in the discharge of their official duties, such costs or fees to be the same as is by law allowed to Sheriffs and Constables for like services. All perquisites, costs, or fees, received by the Marshal, other than hereinbefore provided for, shall be paid into the City Treasury as dues to the city, and shall be by the Treasurer placed to the credit of the Police Fund of said city.

Marshal's duties.

SEC. 45. It shall be the duty of the Marshal or his deputies to execute all process issued by any Justice of the Peace of San

José Township officiating as Police Justice or otherwise, or from other legal authority, commanding his services as such officer to attend upon the Court officiating as a Police Court; to be in attendance at all meetings of the Common Council, and to do and perform such other duties as may be required of him by the Mayor and Common Council. He may also, with the concurrence of the Mayor, when the same may be deemed necessary for the preservation of public order, appoint additional policemen, men of sobriety and good moral standing in the community, who shall discharge the duties assigned to them for one day only, but shall be entitled to receive no pay from the city.

CITY CLERK.

SEC. 46. The City Clerk, before entering upon the duties of ^{Bond and} _{duties.} his office, shall give a bond in the sum of five thousand dollars, conditioned for the faithful discharge of the duties of his office; and whose duties it shall be to keep a true and correct record of all the business transacted by the Common Council; he shall sign as City Clerk and issue to the Marshal license certificates for all branches of business for which a license may be required, and take his receipt therefor; he shall keep a true list of all such licenses issued by him, and the amount of money received by the Marshal therefor. The City Clerk shall also be ex officio City Assessor, and shall on each year, between the first day of May and the first day of August, make out a true list of all the taxable property within the limits of said city, which list when so made out and certified by him shall be placed in the hands of the Common Council for equalization; the mode of making out such list and ascertaining the value of property shall be the same as prescribed by law for assessing State and county taxes; he shall apportion the taxes upon the assessment, and make out and deliver to the Marshal a tax list in the usual form as soon as practicable after the Common Council as a Board of Equalization have equalized the assessment; and to do and perform all such other duties as may be prescribed by this Act, or as by ordinance or otherwise may be required of him by the Common Council.

SEC. 47. It shall be the duty of the City Clerk to report to the Common Council quarterly a full and detailed statement of the receipts and disbursements of the city government, and the state of each particular fund; and at the expiration of the fiscal year to make a full and detailed statement of the receipts and expenditures of the city during said year, specifying the different sources of revenue and the amount received from each; the several appropriations made by the Common Council, and the objects for which they were made, and the amount of money expended under each, evidences of indebtedness issued, and what portion thereof remains outstanding, with the rate and amount of interest due thereon. And for any and all business matters pertaining to said city he shall be deemed qualified to administer oaths or affirmations.

SEC. 48. For his services as such City Clerk and Assessor, he shall receive a salary of one thousand dollars per annum, to be paid quarterly from the General Fund of said city. He shall

also be entitled to collect and receive from all parties other than the city, for filling and having duly executed any deed for real estate sold by the city, (other than lots in the public cemetery,) the sum of two dollars, and for any transcript of the records, or copies of papers in his office, such fees per folio as is by law allowed to the County Recorder or County Clerk of Santa Clara County for such services.

CITY TREASURER.

Bond and duties.

SEC. 49. The City Treasurer, before entering upon the duties of his office, shall give such bonds as may be required of him by the Common Council; it shall be his duty as City Treasurer to receive and safely keep all moneys that shall come into his hands as City Treasurer, for all of which he shall give duplicate receipts, one of which said receipts shall be filed with the Clerk of the Common Council; he shall pay out said money by order of the Common Council on a warrant issued by the Mayor and countersigned by the Clerk; and shall perform such other duties as may be required of him by said Council; and for his compensation said Treasurer shall be allowed a commission of three per cent on all moneys paid out by him as such Treasurer from other than from the School Fund, and for which School Fund he shall receive no compensation. The Treasurer shall make quarterly settlements with the City Clerk, and file with the Common Council an abstract of the same.

Bonds.

SEC. 50. All city officers, whether elected by the people or appointed by the Common Council, shall before entering upon the duties of their office take and subscribe the oath of office prescribed by law. The Marshal, Treasurer, and Clerk, shall each, before entering upon the duties of his office, give a bond, with sureties to be approved of by the Mayor and Common Council, payable to the Mayor and Common Council of the City of San José, in such sum as may be fixed by ordinance, conditioned for the faithful performance of the duties of his office, as required by law and the ordinances and regulations passed and approved by the Mayor and Common Council of the said City of San José. Should the bond of any officer become insufficient, he shall give such additional security as the Common Council may require, and upon his failure to do so at the time required, his office shall be declared vacant, and may be filled as herein provided for. The official bond of every officer named in this Act, except the bond of the Clerk, shall be filed in the office of the City Clerk; the official bond of the Clerk shall be filed with the City Treasurer.

Police Judge

SEC. 51. Justices of the Peace for San José Township are hereby declared competent to discharge all the duties of Police Justice for the City of San José; and all fines imposed by such Justices for any breach of the peace within the corporate limits of the City of San José, or for any violation of the city ordinances, after deducting therefrom the costs in such prosecution, shall be paid into the City Treasury, and the same shall constitute a special fund, to be denominated the "Police Fund," and shall be applied to the payment of fees of such Justices and Marshal; and it is hereby expressly provided that no demand shall be

allowed or warrant drawn on any other than the "Police Fund" for the payment of the fees of the Justice and Marshal; and no account shall be audited or allowed from said "Police Fund" to any Justice who shall have presented any claim to the Board of Supervisors of Santa Clara County for fees in criminal cases where the crime shall have been committed within the corporate limits of the City of San José, when such crime by law is punishable by fine, and if paid, would have, under the provisions of this Act, been justly due and applicable to the "Police Fund" of the city.

Sec. 52. If, at any time, the Justices of the Peace of San José Township refuse or fail to perform the duties of Police Justice as by this Act required, it shall be competent and is hereby made the duty of the Mayor to hold such Court, with all such jurisdiction and authority as is conferred by law upon Justices of the Peace in all criminal matters wherein the crime may have been committed within the corporate limits of said city, and for all violations of city ordinances, and shall be entitled to collect and retain the same fees in all cases as by law and the provisions of this Act would be paid to such Justices.

Sec. 53. All allowances for the payment of fees due to Justices of the Peace and the City Marshal from the Police Fund shall be made pro rata according to the amount of their several claims when that fund is insufficient to meet all the just demands thereon. If at the end of each official year there shall be a surplus of money in said Police Fund after paying all the just demands thereon, any and all of such surplus shall then by the City Treasurer be transferred to the General Fund; but all claims existing against the Police Fund over and above the amount of money in said fund at the expiration of each official year shall then be deemed cancelled.

Allowance of
fees to be
pro rata.

SCHOOLS.

Sec. 54. At the general election held on the second Monday in April in each year, there shall be elected a City Superintendent of Public Schools, who shall hold his office for one year and until his successor is duly elected and qualified, whose compensation shall be fixed by the Common Council; but in no case shall it exceed the sum of four hundred dollars a year.

Superintendent.

Sec. 55. The Board of Education of the City of San José shall consist of the City Superintendent and three Trustees, elected from each of the school districts which now or may hereafter exist in said city; and on the first Saturday in August, A. D. eighteen hundred and sixty-six, between the hours of two o'clock P. M. and six o'clock P. M., and yearly thereafter, there shall be elected in each of the school districts of said city, at the public school house of each district, by the legal and qualified voters therein, one School Trustee to fill such vacancy as may occur by the expiration of the term of any one of the three Trustees elected under and by virtue of the general school law of the State of California; provided, that whenever new school districts shall be made within the limits of said city the Trustees of any such district shall be elected and their term of office determined as therein prescribed. Written or printed notices

Board of
Education.

Election of
School
Trustees.

of the election of Trustees shall be posted on three of the most public places in each of the school districts for at least five days previous to such election by the Clerk of the Board of Education. It shall be the duty of the Board of Education to appoint one Inspector and two Judges of such election in each of the school districts; causing written notices of such appointments to be given to such appointees. If said appointees or any of them fail to attend, then it shall be the duty of the electors assembled to elect such others as may be required to fill any and all vacancies. Two Clerks shall also be appointed by the officers thus elected or appointed; and all of said officers of election shall take the oath of office prescribed by law for Inspectors and Judges of State and county elections. The election shall be conducted in the same manner as the general election for city officers, and the returns thereof shall be made to the Board of Education within ten days after the election, who shall at their first meeting thereafter and previous to the first Saturday in September canvass said returns and declare the result. It shall be the duty of the City Superintendent to issue certificates of election, to be countersigned by the Clerk of the Board of Education, and administer the oath of office to the Trustees elected. The Board of Education as constituted aforesaid shall exercise a general supervision and control of the public schools of the City of San José, and shall meet once a month and as much oftener as business pertaining to the schools may require, and may be called together at any time by the Superintendent. The Superintendent shall preside at all meetings of the Board, but shall not be entitled to a vote unless in case of a tie, and if absent one of the members may be appointed to preside in his stead. A majority of the members shall constitute a quorum to transact business, but a smaller number may adjourn from time to time. The Board may determine the rules of its proceedings; *provided*, they do not conflict with the provisions of this Act. Its sessions shall be public, and its records shall be open to public inspection.

Powers and
duties of
Board.

SEC. 56. The Board of Education shall have power:

First—To establish and maintain public schools, and to establish school districts, and to fix and alter the boundaries thereof.

Second—To employ and dismiss teachers, janitors, and School Census Marshals, and to fix, alter, allow, and order paid their salaries or compensation; and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duties of the Board, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Third—To make, establish, and enforce all necessary and proper rules and regulations, not contrary to law, for the government and progress of public schools within the said city, the pupils therein and the teachers thereof, and for carrying into effect the laws relative to education; also to establish and regulate the grade of schools, and to determine what text books, course of study, and mode of instruction shall be used in said schools.

Fourth—To provide for the school department of said city fuel, light, water, blanks, blank books, printing, stationery, and

such other articles, materials, or supplies, as may be necessary and appropriate for use in schools, or in the office of the Superintendent; and to incur such incidental expenses as may be necessary for the support and maintenance of said schools.

Fifth—To alter, repair, rent, and provide school houses, and to furnish them with proper school furniture, apparatus, and school appliances, and to insure any and all school property.

Sixth—To lease for a term not exceeding ten years any unoccupied property of the school department not required for school purposes.

Seventh—To determine annually the amount of taxation, not exceeding thirty-five cents on each one hundred dollars valuation upon the assessment roll, to be raised by tax upon the real and personal property of the city not exempt from taxation, for the establishment and support of the free public schools therein, and for carrying into effect all the provisions of law relative to public schools; and the amount so determined by said Board of Education shall be reported in writing to the Common Council of said city on or before the third Monday in April in each year; and the said Common Council are hereby authorized and required to levy and cause to be collected, at the time and in the manner of levying and collecting other city taxes, the amount of taxation so determined and reported to him [them] by the said Board of Education as a school tax upon all the taxable property of said city; and said tax shall be in addition to all other amounts levied for city purposes.

Eighth—To examine and allow, in whole or in part, every demand payable out of the School Fund, or to reject any such demand, for good cause, of which the Board shall be the sole judge.

Ninth—To order paid quarterly from the School Fund of said city the salary of the City School Superintendent, not to exceed the amount fixed by the Common Council; and pay such amount for the services of the Clerk of the Board of Education as may be provided by ordinance of the Common Council.

Tenth—To prohibit any child under six years of age from attending public schools; and generally to do and perform such other acts as may be necessary and proper to carry into effect the powers of said Board by this Act and by ordinance of the Common Council of the City of San José.

Sec. 57. The City Superintendent of Public Schools, as President of the Board of Education, shall have power to administer oaths or affirmations concerning any demand upon the Treasury payable out of the School Fund, or other matters relating to his official duties.

Sec. 58. At the last session of the Board of each school term ^{Report.} of the year, before proceeding to other business, each Trustee shall be called on to report the condition of the school or schools in his district, and the circumstances and wants of the inhabitants thereof in respect to education, and to suggest any defect he may have noted, and improvement he would recommend in school regulations.

Sec. 59. Before giving out any contract, or incurring any contracts. liability to mechanics or laborers for expenditures herein author-

Powers and
duties of
Board.

ized to any amount exceeding two hundred dollars, the Board of Education shall cause notice to be published for at least five days, inviting sealed proposals for the object contemplated; all proposals offered shall be delivered to the Superintendent of Public Schools, and said Board shall in open session open, examine, and publicly declare the same, and award the contract to the lowest responsible bidder; *provided*, said Board may reject any and all bids, should they deem it for the public good so to do.

SEC. 60. No School Trustee or Superintendent shall be interested in any contract pertaining in any manner to the school department of said city, and all contracts in violation of this section are declared void; and any Trustee or Superintendent violating or aiding in the violation of the provisions of this section, shall be deemed guilty of a misdemeanor.

Teacher's
qualifica-
tions.

SEC. 61. No teacher shall be employed in any of the public schools of the city without having a certificate issued under the provisions of this Act. For the purpose of granting the certificate required, the Board of Education, either as a body or by the appointment of committee, or by the Superintendent, shall examine any applicant for the position of teacher in the public schools of the city, and no certificate shall be granted except to a person who shall have passed a satisfactory examination in such branches as the Board may require, and shall have given evidence of good moral character, ability, and fitness to teach. The said certificates shall be in force for two years; *provided*, that the persons to whom they are granted are continuously employed in the schools in teaching.

SEC. 62. The Board may in its discretion renew without examination the certificate of any person so employed. It shall also have power to revoke the certificate of any teacher upon evidence of immoral or unprofessional conduct.

Secretary of
Board.

SEC. 63. The Superintendent is hereby authorized to appoint a Clerk, subject to the approval of the Board of Education, who shall act as Secretary of the Board. The said Clerk shall be subject to removal at the pleasure of the Board, and shall perform such duties as may be required of him by the Board or Superintendent.

Superinten-
dent's report

SEC. 64. The Superintendent shall report to the Board of Education annually, and at such other times as they may require, on all matters pertaining to the progress of the schools since the last annual report, their condition at the time of making such report, the condition of the houses, lots, and furniture, the number of teachers employed, and of pupils taught in each of the primary, intermediate, grammar, and high schools, and the costs per pupil, including all ordinary expenses, the amount paid respectively for teachers, etc., with such recommendations as he may deem proper; a duplicate of which report shall be filed with the Clerk of the Common Council.

Duties.

SEC. 65. It shall be the duty of the Superintendent to visit and examine each school at least once in every month; to observe and cause to be observed such general rules of the regulation, government, and instruction of the schools not inconsistent with the laws of the State as may be established by the Board of Education; to attend the sessions of the Board, and

to inform them at each session of the condition of the public schools, school houses, school funds, and other matters connected therewith, and to recommend such measures as he may deem necessary for the advancement of education in the city. He shall acquaint himself with all the laws, rules, and regulations governing the public schools in said city, and the judicial decisions thereon, and give advice on subjects connected with the public schools gratuitously to officers, teachers, pupils, and their parents and guardians.

SEC. 66. Any vacancy in the office of School Trustee shall be filled by appointment by the Common Council, and such appointees shall hold office respectively until the election next ensuing, and the election and qualification of their successors in office; but no such appointment shall be valid unless the appointee be at the time of appointment an elector in the district wherein the vacancy occurred.

Vacancy in
Office of
School
Trustee.

SEC. 67. In case of a vacancy in the office of Superintendent, the Common Council may appoint a person to fill the vacancy until the regular election then next ensuing, when the office shall be filled by election of the people.

Superinten-
dent.

SEC. 68. The School Fund of the City of San José shall consist of all moneys received from the State School Fund, and all moneys received from a due apportionment of the County School Fund, and all moneys levied and collected for school purposes within said city, all moneys accruing from the rent, sale, or exchange of any school property, and of such other moneys as may from any source whatever be paid into said School Fund. The said School Fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes, under the provisions of this Act. No fees or commissions shall be allowed or paid for keeping or disbursing any school moneys; and if at the expiration of the fiscal year any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of the next fiscal year, and shall not be for any purpose whatever diverted or withdrawn from said fund, except under the provisions of this Act.

School Fund.

SEC. 69. The School Fund shall be used and appropriated by uses. the Board of Education for the following purposes, to wit:

First—For the payment of the salaries or wages of teachers, janitors, School Census Marshals, and other persons who may be employed by the said Board;

Second—For the alteration, repair, rent, and furnishing of school houses;

Third—For the insurance of all school property;

Fourth—For supplying schools with lights, fuel, water, apparatus, blankets, blank books, and necessary school appliances, together with books for indigent children;

Fifth—For supplying books, printing, and stationery for the use of the Superintendent and Board of Education, and for the incidental expenses of the Board and department;

Sixth—For the payment of the salaries of the Superintendent and Clerk of the Board of Education. The School Fund shall also be used and appropriated by the Common Council of the City of San José, with the concurrence of the Board of Education, for the purchase of lots for school purposes; for the

erection of school buildings; for the payment of interest which may be due on school bonds, and the redemption of the same; for the discharge of all legal encumbrances which may exist on school property; and for the grading, fencing, and improving school lots.

Claims and demands.

SEC. 70. All claims payable out of the School Fund, excepting the coupons for interest, and the school bonds which may hereafter be issued according to the provisions of this Act, shall be filed with the Clerk of the Board, and after they have been approved by a majority of all the members elect of said Board, they shall be signed by the Superintendent of Public Schools, whose signature indorsed on each claim shall be a certificate of its approval by the Board. It shall then be the duty of the Clerk of said Board to issue warrants for the amount of said allowed and certified claims in favor of the claimant, which warrants shall be countersigned by the Superintendent. All demands for teachers' salaries shall be paid monthly.

Same.

SEC. 71. Demands on the School Fund may be audited and approved in the usual manner, although there shall not at the time be money in the Treasury for the payment of the same; *provided*, that no demand on said fund shall be paid out of or become a charge against the School Fund of any subsequent fiscal year; and, further, *provided*, that the entire expenditures of the school department for all purposes shall not in any fiscal year exceed the revenue for school purposes for the same year.

Same.

SEC. 72. All demands authorized by this Act, when audited and approved, and warrants issued thereon as herein prescribed, shall be presented to the City Treasurer for payment, and the said Treasurer is hereby authorized and required to pay the same from the School Fund of the city; *provided*, the said Board of Education shall not have any power to contract any debt or liability in any form whatsoever against said city in contravention of this Act.

School lands.

SEC. 73. All lots known as the school lots, and all lots and lands either within or without the corporate limits of the city of San José dedicated and belonging to said city, not heretofore disposed of by ordinance, or sold, and by deed transferred to individual purchasers, either by the Common Council or by those acting as Commissioners of the Funded Debt of said city, (and which sales and transfers are hereby declared valid,) are hereby fully vested in the Mayor and Common Council of said city in trust for the use and benefit of the public schools of the City of San José; and the Mayor and Common Council are hereby authorized to sell, transfer, or exchange the same for other lots and lands, if in their opinion the interests of the public schools will be best secured by so doing; and all money received from such sales shall not be diverted from the School Fund of said city; *provided*, that nothing in this section or in this Act shall be so construed as to give the Mayor and Common Council power to sell, or transfer, or dispose of any of the streets or public squares of said city, except that portion of San José street and Market Square not included in the present map of Market Square, as approved by the Mayor and Common Council; which portion of San José street and Market Square may be sold by the Mayor and Common Council, and the proceeds of such sale shall be

Sale.

appropriated for the purpose of improving and adorning said Market Square; and nothing herein contained under any of the provisions of this Act shall be so construed as to transfer the jurisdiction from or deprive the Mayor and Common Council of the right of exercising the jurisdiction and control of all the public lands dedicated and belonging to the City of San José, within or without the corporate limits thereof, or from sueing in any and all Courts of competent jurisdiction for the possession or the fee simple of any such lands; and any and all actions now pending or hereafter to be commenced, either in reference to the school lands of said city, or for any other lands or property, shall be in the name and style of the Mayor and Common Council of the City of San José.

SEC. 74. The provisions of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and all Acts amendatory of or supplemental thereto, and all provisions and Acts made applicable thereto, in so far as the same pertains to the raising of revenue by ad valorem taxation, and so far as said Acts are not inconsistent with the provisions of this Act, are hereby made applicable to any and all proceedings for raising revenue by ad valorem taxation for city purposes as heretofore provided in this Act; *provided*, that the Common Council shall have power by ordinance to restrict the operation of any of the provisions of the Acts mentioned in this section, as it may seem to them proper.

SEC. 75. The Common Council shall have the power to fix the amount and the mode of paying the compensation of all officers performing services for the city in collecting delinquent taxes; *provided*, that the County Clerk and Sheriff shall have the same fees in such cases and to be paid in the same way as are allowed them in suits for the collection of taxes levied for State purposes.

SEC. 76. An Act to incorporate the City of San José, passed March twenty-seventh, eighteen hundred and fifty, and also an Act to re-incorporate the City of San José, approved March twenty-seventh, eighteen hundred and fifty-seven, and also an Act to incorporate the City of San José, approved March sixteenth, eighteen hundred and fifty-nine, and all other Acts and parts of Acts now in force amendatory thereof or supplementary thereto enacted by the Legislature of this State, which in any manner conflict with the provisions of this Act, are hereby expressly repealed.

SEC. 77. This Act shall take effect and be in force from and after its passage.

CHAP. CCXLIV.—*An Act concerning the laws and decisions of the Supreme Court distributed to State, county, and township officers.*

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Duty of
Secretary
of State.

SECTION 1. Before distributing to any State, county, or township officer, or Justice of the Supreme Court, or District or County Judge, any volume of laws or of decisions of the Supreme Court, the Secretary of State shall cause such volume to be distinctly marked, lengthwise of the book, and on each side of it, in large, plain letters, by a stencil plate or other suitable marking apparatus, or by printing on the book, or by printing on paper and attaching with bookbinders' or other equally adhesive glue, with the name of the county to which such volume is to go, and the style of the office held by the party who is to receive it.

Penalty for
defacing
mark.

SEC. 2. Every person who shall wilfully deface, remove, obliterate, cover with another mark, or in any manner cover from view, any mark placed, under the provisions of section one, on any book, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment not exceeding one month, or by both fine and imprisonment.

Books to be
delivered to
successors.

SEC. 3. Each District and County Judge and each county and township officer shall, at the expiration of his term of office, or upon his resignation, make out a list of all books received from his predecessors in office, or received from the Secretary of State, and shall deliver them to his successor in office, and take his successor's receipt for said books, and shall file said receipt, together with his affidavit thereon, that said list contains all books received by him in virtue of his office, with the County Clerk. Every person omitting, neglecting, or refusing to comply with the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment not exceeding three months; *provided*, that in case of the loss or destruction of any of said books, the outgoing officer shall, upon furnishing his successor in office other like books in good order and condition—which shall be marked in the manner in section one of this Act provided—be exempt from all the penalties and liabilities contained in this section.

Penalty.

CHAP. CCXLV.—*An Act to appropriate moneys to pay the claim of A. R. Jackson.*

[Approved March 15, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any moneys in the Swamp Land Fund not otherwise appropriated, to pay the claim of A. R. Jackson, for his services rendered as an engineer in examining and reporting to the Governor and Surveyor-General, Commissioners appointed under the Act approved April tenth, eighteen hundred and sixty-two, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed land in Tulare Valley, passed April first, eighteen hundred and fifty-seven.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCXLVI.—*An Act to repeal an Act to provide for the collection of delinquent taxes in the County of Butte, approved April fifth, eighteen hundred and sixty-one.*

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act to provide for the collection of delinquent taxes in the County of Butte, approved April fifth, eighteen hundred and sixty-one, is hereby repealed.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCXLVII.—*An Act concerning the libraries of Federal and State Judges.*

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The law libraries of Federal and State Judges of Courts of record shall be exempt from execution in all cases except upon a judgment recovered for the purchase money thereof or upon a mortgage thereon.

CHAP. CCXLVIII.—*An Act to regulate certain fees in Sierra County.*

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fees and mileage.

SECTION 1. In all cases where by existing laws the Sheriff or Constables of said county are entitled to charge and receive mileage from said county, such mileage shall hereafter be charged at the rate only of thirty cents per mile when the services arise out of any civil suit or proceeding, and at the rate only of fifteen cents per mile when the services arise out of any criminal action or proceeding, the distance in each and all cases to be computed as now provided by law.

For taking insane persons to Asylum at Stockton the Sheriff shall be allowed the sum of one hundred and twenty-five dollars.

For keeping clean and taking care of Court and jury rooms, two hundred dollars per annum, payable quarterly.

For making each arrest in a criminal action or proceeding a Constable shall be allowed to charge and receive the sum of two dollars.

SEC. 2. The Coroner of said county shall receive for all services in summoning jury of inquest, six dollars.

For issuing warrant of arrest, fifty cents.

Issuing subpoena for each witness, twenty cents.

For each mile necessarily travelled in going to place of dead body, thirty cents.

For swearing each witness, fifteen cents.

For taking down testimony, twenty-five cents per folio.

For all services rendered when acting as Sheriff the same fees allowed Sheriff for like services, to be paid in the same manner as Sheriff would be paid if the services had been rendered by him, but to be retained by Coroner to his own use.

Jurors' fees.

SEC. 3. Jurors shall be paid for each day in civil cases, by the party in whose favor the verdict is rendered, before the same shall be entered, but the same may be recovered as costs from the party losing the case, three dollars; *provided*, that in the District Court and County Court the Clerk shall keep an account of the number of days each juror has been in attendance for which he received no pay, and shall certify the same to the County Auditor, who shall draw his warrant on the Contingent Fund of the county in favor of each juror for the sum of two dollars for each day of such attendance. If in any trial in a civil case before any Court, the jury from any cause be discharged without finding a verdict, the fees of the jury shall be paid by the plaintiff, but may be recovered back as costs if he afterwards obtain judgment. Until they are paid no further proceedings shall be allowed in the action.

SEC. 4. All fees and compensation regulated by this Act, (except as otherwise herein provided,) and all such fees of Justices of the Peace in said county as are now provided by law to be paid by the county, shall be paid out of the Contingent Fund of said county.

SEC. 5. All laws and parts of laws which conflict with the provisions of this Act are, so far as they apply to Sierra County, hereby repealed.

SEC. 6. This Act shall take effect immediately.

CHAP. CCXLIX.—*An Act to fix the salary of certain officers in Tuolumne County.*

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Sheriff, County Clerk, who shall be ex officio ~~salaries~~, Recorder and Auditor, County Treasurer, District Collectors, and District Assessors of Tuolumne County, from and after the first Monday of March, eighteen hundred and sixty-eight, shall receive for all services required of them by law or for duties imposed on them by virtue of their several offices, at the rate per annum respectively as hereinafter provided.

Sec. 2. The Sheriff shall receive for all services required of ~~sheriff~~, him by law in said office a salary at the rate of three thousand dollars per annum; *provided*, that for any service rendered the State he shall receive the payment provided for such service from the State for his own proper use, in full compensation for such service and expenses incurred in the performance of such service.

Sec. 3. The County Clerk, who shall be ex officio Recorder ~~Clerk~~, and Auditor, for all services required of him in his office or by virtue of his office shall receive a salary at the rate of eighteen hundred dollars per annum, which shall be in full for all services required of him by law; *provided*, that for any service rendered the State he may retain the amount paid by the State for such service for his own proper use, in full compensation for such service.

Sec. 4. The County Treasurer for all services required of ~~Treasurer~~, him in his office by law shall receive a salary at the rate per annum of nine hundred dollars; *provided*, that for any service rendered the State he may retain the amount paid by the State for such service for his own proper use, in full compensation for such service.

Sec. 5. The District Tax Collector of Revenue District Number One, Two, Three, and Four, shall collect all taxes and licenses of every kind required by law for State and county purposes within his respective district, and each District Tax Collector shall receive a salary at the rate of six hundred dollars per annum. The District Tax Collectors may appoint Deputy Collectors, who shall receive the fees now allowed by law for collecting licenses and poll taxes and foreign mining license; *provided*, that the percentage for collecting all property tax shall be paid into the County Treasury.

Assessor. SEC. 6. The District Assessor of Revenue District Number One, Two, Three, and Four, for all services required of him by law or by virtue of his office shall each receive a salary at the rate of five hundred dollars per annum, which amount shall include any and all sums paid by him to deputies; *provided*, that for any service rendered the State he may retain the amount paid by the State for such service for his own proper use, in full compensation for such service.

Sheriff's assistants. SEC. 7. The Sheriff shall be allowed, to be paid by the county: an Under Sheriff, to be paid at the rate of one hundred and fifty dollars per month, and one Keeper of the Jail, at the rate of seventy-five dollars per month; all other assistants or deputies that may be required for the performance of the duties of the office of Sheriff shall be paid by the Sheriff from his salary herein provided.

Deputies of Clerk and Recorder. SEC. 8. The County Clerk, *ex officio* Recorder and Auditor, shall be allowed one Deputy Clerk, who shall be paid by the county at the rate of one hundred dollars per month, and one Deputy Recorder and Auditor, who shall be paid by the county at the rate of one hundred and twenty-five dollars per month.

Fees. SEC. 9. The officers named in the first section of this Act shall collect and safely keep all fees, commissions, and percentage allowed them by law for services rendered by them in their several official capacities, except for such services as the county or State is chargeable with, and upon the first Monday in each month shall pay the same into the County Treasury.

Fee book. SEC. 10. The Sheriff, County Clerk, *ex officio* County Recorder, County Treasurer and District Collectors, shall keep a book to be denominated a "Fee Book," which shall be the property of the county and which shall be open during office hours to public inspection. In this book shall be entered in detail all fees or compensation of whatever nature or kind collected or chargeable belonging to the county. On the first Monday of each month the officers shall carefully add up the columns and set down the total and pay the same to the County Treasurer, accompanied with an affidavit as follows:

Form of affidavit. "I, _____, Sheriff (or other officer, as the case may be,) of the County of Tuolumne, do solemnly swear that the entire fees, compensation, percentage, and payment for official service rendered by me or any person or deputy connected with my office for me and belonging to the county has been entered in detail in the 'Fee Book' of my office and added up, which amounts to the sum of _____, and that said amount is the full amount received or chargeable since the last payment; and neither myself nor to my knowledge any deputy for me has rendered any service for which the fees belong to the county which has not been entered in said book."

Payment of fees, and disposition thereof. Upon receiving the Treasurer's receipt for the payment of such fees or compensation, said receipt and a duplicate affidavit, which is hereby required to be made, shall be filed with the Auditor, and until the Treasurer's receipt and such officers' affidavit have been filed with the Auditor, said Auditor is prohibited from drawing any warrant and the Treasurer from paying any war-

rant in favor of such officer. It is hereby provided that any officer crediting any fee for official service under this Act shall do so at his own risk, and shall pay the fee so credited into the County Treasury the same as if he had collected said fee at the time or prior to the performance of the service for which said fee was chargeable. All moneys which under the provisions of this Act are required to be paid into the County Treasury shall be and are hereby constituted and known as the "County Officers' Salary Fund," which shall be set apart and applied to the payment of warrants drawn on the Treasury for the salaries of county officers, their assistants and deputies. The county officers named in this Act shall perform all services required of them by law for county purposes without fee or compensation other than is provided in this Act.

Sec. 11. For a wilful neglect or refusal to comply with the provisions of this Act or any one of them, any officer or officers herein named, their assistants, clerks, or deputies, shall on conviction be subject to a fine not exceeding five thousand dollars, a forfeiture of their office, to imprisonment in the State Prison not less than one nor more than three years, or to any one or more of the said penalties in the discretion of the Court; *provided*, that nothing in this section shall release any one of them from their liability on their official bond required by law or from any civil responsibility to any and all persons in relation to the business of their said offices that may be by law applicable to their said official duties.

Sec. 12. On the first Monday of each month the officers may make out and present to the Board of Supervisors the account for their services and the services of their deputies as provided in this Act; and if it shall appear to the satisfaction of the Board that said officers have complied with the provisions of this Act, the Board of Supervisors shall audit, allow, and order paid out of the "County Officers' Salary Fund" the amount severally due them.

Sec. 13. Each officer named in the first section of this Act, before entering upon the duties of his office shall execute to the people of the State of California a bond, in such penal sum as the Board of Supervisors of said county shall require, with two or more sufficient sureties, to be approved by the County Judge, conditioned for the faithful performance of all the duties of his office required by law, and shall take the oath of office, which shall be indorsed upon his certificate of election or appointment.

Sec. 14. It shall be the duty of the Board of Supervisors to meet at the Court House of the County of Tuolumne on the first Monday of each month for the purpose of examining the accounts of the officers that may be presented under the provisions of this Act, and it shall be their duty to order the Auditor to draw his warrant on the Treasurer for the respective amounts that they may find due the officers, their assistants, clerks, or deputies, as provided for by the provisions of this Act. The Supervisors shall receive for their services five dollars per day for each day that they may meet under the provisions of this Act which are not the regular meetings of the Board; *provided*, that they shall receive pay for only one day in each month for such extra meetings.

**Principals
cannot draw
pay of
assistants.** SEC. 15. The amount specified to be paid to under officers, assistants, clerks, and deputies, shall not be paid to the principal, but shall at all times, upon being found due, be paid to such under officer, assistant, clerk, or deputy; *provided*, always, that such under officer, assistant, clerk, or deputy make out, subscribe, and file his affidavit with the Supervisors, setting forth that he was employed by such principal officer, and that he performed the services therein named, and that the amount due is for his own proper use and benefit, and not for another.

Repeal. SEC. 16. The Act of April twenty-fifth, eighteen hundred and fifty-one, entitled an Act supplementary to an Act entitled an Act concerning County Recorders, passed March, one thousand eight hundred and fifty-one; the Act of February tenth, eighteen hundred and fifty-two, entitled an Act to amend an Act supplementary to an Act entitled an Act concerning County Recorders, passed March, one thousand eight hundred and fifty-one; the Act of February twenty-first, eighteen hundred and sixty-one, entitled an Act to make certain offices in the County of Tuolumne salaried offices; the Act of February twenty-fifth, eighteen hundred and sixty-two, entitled an Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one; the Act of May second, eighteen hundred and sixty-two, entitled an Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one; and all other Acts or parts of Acts conflicting with the provisions of this Act, are hereby repealed, so far as they relate to the said several officers herein named for the County of Tuolumne.

SEC. 17. This Act shall take effect and be in force from and after the first Monday in March, one thousand eight hundred and sixty-eight.

CHAP. CCL.—An Act to authorize the Trustees of Auburn Lodge, Number Seven, Independent Order of Odd Fellows, the officers of Eureka Lodge, Number Sixteen, and Delta Chapter, Number Twenty-seven, Free and Accepted Masons, and the citizens of the Town of Auburn, to remove human remains.

[Approved March 17, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

**Removal of
human
remains.**

SECTION 1. The Trustees of Auburn Lodge, Number Seven, of the Independent Order of Odd Fellows, and the officers of Eureka Lodge, Number Sixteen, and of Delta Chapter, Number Twenty-seven, Free and Accepted Masons, and the citizens of the Town of Auburn, Placer County, are hereby authorized and empowered to disinter and remove, or cause to be disinterred and removed, all human remains interred by them or under their auspices, respectively, in the Auburn Cemetery, and cause them

to be re-interred in the cemetery near said town, known as the Odd Fellows' Cemetery.

SEC. 2. It shall be the duty of said Trustees and citizens to cause said remains to be decently interred, and to cause any and all tombstones, ornaments, and inscriptions on the graves of said remains to be replaced and re-erected in as good order on the new as on the original graves.

SEC. 3. This Act shall be in force from and after its passage.

CHAP. CCLI.—*A bill for an Act to repeal certain Acts providing for soldiers to vote out of their election districts during the rebellion.*

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act entitled an Act in addition to an Act entitled an Act to regulate elections, approved March twenty-third, eighteen hundred and fifty, and all Acts amendatory thereof and supplemental thereto, approved April twenty-fifth, eighteen hundred and sixty-three, and also the Act entitled an Act to provide for the support of the privilege of free suffrage during the continuance of the war, approved April first, A. D. eighteen hundred and sixty-four, and also the Act entitled an Act amendatory of and supplemental to an Act in addition to an Act entitled an Act to regulate elections, approved March twenty-third, eighteen hundred and fifty, and all Acts amendatory thereof and supplemental thereto, approved April twenty-fifth, eighteen hundred and sixty-three, approved April fourth, eighteen hundred and sixty-four, and each and all of the aforesaid Acts are hereby repealed.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCLII.—*An Act to authorize John Lawley and his associates to construct a turnpike road in Napa and Lake Counties.*

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. John Lawley, and such persons as he may associate with him, are hereby authorized to construct and maintain a turnpike road from Edward Ebey's residence, in the County of Napa, through St. Helena Cañon, and over the St. Helena range of mountains, to Sigler Valley, by Sigler Cañon, in Lake County, a distance of about twenty miles.

Tolls. SEC. 2. The said grantees, upon the construction and completion of said road, are hereby authorized to charge and collect such rates of toll for travel and passage upon the same, in the county of Lake, as the Board of Supervisors of said county may fix and establish, and in the County of Napa, as the Board of Supervisors of Napa County may fix and establish; and the said Boards of Supervisors shall have authority to regulate and charge such rates of toll annually.

Right of way. SEC. 3. The right of way for said road is hereby granted to John Lawley and his associates; *provided*, that in case the lands of private persons are taken for said road, the right of way may be obtained in the same manner and by the same mode of proceeding as is provided by law for railroad companies in obtaining the same.

Right to purchase road. SEC. 4. After the expiration of five years from the time of the completion of said road, the said Counties of Napa and Lake shall have the right to take, possess, and own said road, by payment to said grantees such sum as three appraisers, one to be selected by the Board of Supervisors of Napa County, one by the Board of Supervisors of Lake County, and one by the said grantees aforesaid, may determine the value thereof to be; and in case one of said parties should fail to select such appraiser after reasonable notice so to do by the other parties, then such valuation as may be made by two appraisers chosen as aforesaid.

Contingency SEC. 5. The rights herein granted are conferred upon the express condition that said road shall be completed, with requisite and proper bridges, culverts, and embankments, in good order, within two years from the passage of this Act.

CHAP. CCLIII.—*An Act to authorize the State Librarian to appoint a Deputy, and to fix the compensation therefor.*

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Deputy, and salary. SECTION 1. The State Librarian is hereby authorized to appoint a suitable person as his deputy, who shall receive for his services the sum of eighteen hundred dollars per annum, to be paid monthly out of any moneys in the State Treasury not otherwise appropriated.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCLIV.—An Act to amend an Act entitled an Act to improve the navigation of the Mokelumne River.

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of said Act is hereby amended to read as follows:

Section 6. If the said company shall not in five years from the fourth day of April, one thousand eight hundred and sixty-four, have completed the clearing of said river within the points named, so as to admit the passage of vessels of fifty tons at a moderate stage of high water, then all rights and privileges granted in the foregoing sections of this Act shall be forfeited.

CHAP. CCLV.—An Act entitled an Act concerning estrays in the County of Sutter.

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every citizen, resident householder in Sutter County, on finding any stray horse, mare, mule, jack, jenny, or any neat cattle, or any number of such animals, upon his farm or premises, who shall desire to take up the same, shall, at any time after the expiration of sixty days from finding the same, if such animal or animals remain on his farm or premises, go before some Justice of the Peace of his township, or if there be no acting Justice therein, then before some Justice of a neighboring township, and make oath that he has made diligent inquiry throughout the neighborhood to ascertain the ownership of such stray, and that he has also put up ten days previously a written notice in one or more of the most public places in his township, naming the place or places, setting forth all the information in his possession concerning the said animals, embracing a description of the marks and brands thereof, and that he was about to post the same. He shall also, at the same time, make oath that the marks and brands of said animals have not been altered since they came to his farm or premises, and that the owner or owners are unknown to him.

Sec. 2. At the time the taker up appears before the Justice Appraisers. as aforesaid, the Justice shall appoint two disinterested appraisers, who are resident householders of the county, to appraise and describe such animal or animals.

Sec. 3. The appraisers so appointed, if they are not already Duties. able to describe and appraise such estrays, shall, as soon as practicable, proceed to view the same and make out a detailed description thereof, stating the marks, brands, supposed age,

color, stature, and value of each animal, which description and valuation shall be signed by the appraisers and sworn to before the Justice appointing them.

Record. SEC. 4. It shall be the duty of said Justice immediately to record in a book to be by him kept for that purpose, a statement of the taking up as aforesaid, together with a description, as sworn to by the appraisers, and their appraisement.

To be sent to County Recorder. SEC. 5. The Justice shall within twenty days, if the estrays have not previously been claimed and proven by the true owner, make out and transmit a certified copy of the entry in his estray book as aforesaid to the County Recorder of the county, which shall immediately be by him recorded in a book to be kept for that purpose. Said record, and also the Justice's book, to be at all proper times subject to examination by all persons making application, without charge or fee.

Claimants. SEC. 6. If the owner of any estray animal posted as aforesaid shall within six months from the time the same was posted appear and claim the same, he shall notify the taker up thereof, and the owner shall establish his claim to such animal before some Justice of the Peace of the proper township by such evidence as shall be satisfactory to the Justice. In all cases when the claimant shall make satisfactory proof of ownership, the Justice shall make an order that he have restitution of the animal so proven upon his paying the costs and to the taker up the costs and expense that may be awarded by the Justice; provided, the Justice shall not allow any expense for keeping an estray which the taker up, or any one under his authority, may have worked, ridden, or used, while in his possession.

Forfeiture. SEC. 7. If the owner of any lost or estray animal shall not appear and prove his property within the time specified in section six of this Act, he shall forfeit his right thereto, and the property in such animal shall be vested in the taker up, upon his paying into the County Treasury the one half appraised value thereof, as fixed by the appraisers as aforesaid.

Not to sell. SEC. 8. No person taking up any animal under this Act shall sell, exchange, or dispose of the same in any manner, or remove the same from the county in which it was posted until after the expiration of the time specified in section six of this Act from the posting, and until he shall have paid the one half appraised value into the County Treasury.

SEC. 9. If any estray animal die or escape from the possession of the taker up at any time before the expiration of the time specified in section six of this Act from the taking up, he shall not be held liable in any manner on account of such animal.

Money to be kept for owner. SEC. 10. In all cases where money has been paid into the County Treasury, pursuant to the seventh section of this Act, the same shall be kept in separate account by the Treasurer and safely held in trust for the space of six months after it is so paid in, to be paid over to the true owner of the estray upon such owner within said time producing to the Treasurer the certificate of the proper Justice, setting forth that said owner had made satisfactory proof of ownership within the six months as aforesaid by a like proceeding as provided for in the sixth

section of this Act, the Treasurer retaining out of said money his own percentage.

Sec. 11. All money paid into the County Treasury under the School Fund provisions of this Act, if not legally withdrawn as above provided, shall become a part and belong to the County School Fund, and be drawn from the County Treasury on the warrant of the County Superintendent, and shall be exclusively appropriated to the County School Fund, and be for no other purpose.

Sec. 12. The owner of any estray animal which has been legally taken up, or for the taking up of which proceedings have been commenced under this Act, knowing the same to have been posted, shall not be permitted to take, lead, or drive the same from the premises or possession of the person legally possessed thereof, until proven and the charges paid; and any person knowingly and wilfully violating the provisions of this section, shall be subject to all the penalties that he would be subject to under the statute law provided he had no claim to said animal.

Sec. 13. If any person shall take into use or in any manner dispose of any lost or estray animal which may be found upon his farm or premises, or exercise any control over any such animal, except in case said animal has broken into his lawful inclosure, without having first posted the same, or having proceeded to post any such animal, shall use or in manner dispose of the same, contrary to and in violation of the provisions of this Act, he shall be deemed guilty of larceny, and punished accordingly.

Sec. 14. If at the expiration of the time specified in section six of this Act from the taking up of any estray under this Act, the Justice before whom the same was posted, his successor in office, or the District-Attorney of the county has good reason to believe the taker up has not duly paid into the County Treasury the one half appraised value as herein required, it is hereby made the special duty of said Justice in whose custody the record of the estray remains, or the District-Attorney, to issue a notice to the delinquent, requesting him to appear before the Justice on a day specified, and show cause, if any he can, why judgment should not be entered against him in favor of the county for the sum; such notice may be delivered to the Sheriff of the county or any Constable of the proper township, and by him served on the proper party.

Sec. 15. If no sufficient cause be shown, the Justice shall enter judgment against the delinquent for the amount due the county, with costs, which judgment shall be a lien upon all the property, real and personal, belonging to the delinquent from the time the same is entered.

Sec. 16. In all cases wherein any services are performed by any officer or officers under this Act, their fees shall be allowed as follows, viz: To the Justice for all services connected with the posting the animal or animals, which shall include the transcript for the Recorder, two dollars; to the County Recorder for recording the transcript, one dollar; for all services performed by the Justice under this Act, other than the above, and for all

services performed by other officers, the same fees as are allowed to civil officers in similar cases.

SEC. 17. This Act shall be in force and take effect from and after its passage.

CHAP. CCLVI.—*An Act supplementary to an Act relative to publishing in the Counties of Santa Barbara and San Luis Obispo, approved April twenty-seventh, eighteen hundred and fifty-seven.*

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Act applied. SECTION 1. The provisions of the Act to which this Act is supplementary shall be held to apply to all notices contemplated to be published under the provisions of an Act concerning assessments upon the stock of corporations, approved April fourth, eighteen hundred and sixty-four.

Sales not invalidated. SEC. 2. No sale heretofore had of the stock of any incorporated company organized within either of said counties shall be held to be invalid by reason that any notice in connection therewith shall have been published in accordance with the provisions of the Act to which this Act is supplementary; provided, that said last named Act shall have been complied with, and that in all other respects said notice shall have been made in accordance with the Act above referred to concerning assessments upon the stock of corporations.

SEC. 3. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect immediately.

CHAP. CCLVII.—*An Act to authorize the Board of Supervisors of San Joaquin County to levy a tax for the liquidation of the indebtedness of the San Joaquin Valley Agricultural Society, and other matters relating thereto.*

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Election for levy of tax. SECTION 1. It shall be the duty of the Board of Supervisors of San Joaquin County to hold a special meeting on the twentieth day of March, A. D. eighteen hundred and sixty-six, and at such special meeting to order a special election to be held in said county, at the several places for holding elections therein, on the twenty-first day of April, A. D. eighteen hundred and sixty-six, in order to submit to the qualified electors of said county a proposition to levy a direct tax on all property in said

county liable to taxation, of not less than twenty-five cents nor more than thirty cents on each one hundred dollars of such property, the proceeds of said tax to be applied to the liquidation of the indebtedness of the San Joaquin Valley Agricultural Society, exclusive of the amount to be provided for the payment of interest on the bonds of said county issued for the benefit of said society, and for the creation of a Sinking Fund, in pursuance of an Act of the Legislature, approved February fifth, eighteen hundred and sixty-three, entitled an Act to authorize the County of San Joaquin to issue bonds for agricultural purposes.

SEC. 2. It shall be the duty of said Board of Supervisors to ~~Notice.~~ cause notice of said election to be given by posting up printed notices at least twenty days before said election at all the places for holding elections in said county, and by at least ten days publication in one or more newspapers published in said county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon. Each of the electors voting at said election shall have written or printed on his ballot the words "Tax for San Joaquin Valley Agricultural Society—Yes;" or, "Tax for San Joaquin Valley Agricultural Society—No."

SEC. 3. Said election shall be conducted in the same manner ~~Returns.~~ as other elections for county officers, and sealed returns of the vote cast on said proposition shall be made within five days after said election, in the same manner as provided for in the election of county officers, to the Clerk of said county, which returns shall on the fifth day following the day of election be opened and counted in the same manner as the returns of the votes for county officers, and when so opened and counted, the result thereof shall be declared officially by said Board of Supervisors, who shall at the time prescribed for the opening and counting of the returns of said election meet as a Board for that purpose.

SEC. 4. If at the said election a greater number of the electors voting shall vote "Yes" upon said proposition than shall vote "No," it shall be the duty of said Board of Supervisors, and they are hereby authorized, empowered, and directed to proceed immediately after the result of said election has been so declared, to levy, in addition to other taxes levied for the year eighteen hundred and sixty-six, a special tax for the use of the San Joaquin Valley Agricultural Society of not less than twenty-five cents nor more than thirty cents on each one hundred dollars of property in said county liable to taxation, as in their judgment may seem necessary for the payment of said indebtedness, said tax to be collected at the same time and in the same manner that other taxes for the same year shall be collected; and when collected, the amount shall be paid over ~~How applied.~~ by the Tax Collector to the County Treasurer, who shall account for and pay over the amount thereof to the Board of Managers of the San Joaquin Valley Agricultural Society, whose duty it shall be to apply the same to the liquidation of the indebtedness of said society in pursuance of this Act.

SEC. 5. The Inspectors and Judges acting at the special ~~Compensation.~~ election provided for by this Act shall be allowed two dollars

each for their services, and the carriers of the election returns shall be allowed twenty cents per mile, in going only, for the carrying and proper delivery of the said returns to the County Clerk. The several amounts allowed as provided for in this section to be audited and paid out of the County Treasury as other charges against the county.

SEC. 6. This Act shall take effect from and after its passage.

CHAP. CCLVIII.—*An Act to authorize the Board of Supervisors of Shasta County to annul certain bonds.*

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Powers and duties of Supervisors.

SECTION 1. The Board of Supervisors of the County of Shasta are hereby authorized to annul any bond or bonds which may have been executed to said county for the purpose of securing the payment of the principal and interest due on township school lands in said county; *provided*, said Board shall in no case refund any money which may have been paid on said bonds; and *provided*, further, that the Board of Supervisors shall not annul any bonds except in cases where petition has been filed with the Clerk of said Board, as hereinafter provided.

Abandonment of claim.

SEC. 2. All persons desiring the benefit of the provisions of this Act shall file a petition with the Clerk of said Board of Supervisors, setting forth that all claim to the land described therein by virtue of any purchase made, and all claim for money paid as principal or interest thereon, if any such has been paid, is by him, her, or them abandoned.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCLIX.—*An Act to authorize the construction of a wagon road from Webber's Lake, in Sierra County, to Randolph, Sierra Valley.*

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Conditional franchise.

SECTION 1. David G. Webber, John O. Taylor, John C. Shepard, together with those whom they may associate with them, shall take, have, possess, and enjoy all the rights, privileges, rights of way, franchise, and immunities hereinafter mentioned, upon condition that they shall incorporate themselves under the general laws of this State regulating corporations, and shall adopt the name of the Webber Lake and Sierra Valley Turnpike Road Company.

SEC. 2. Said company, when incorporated as aforesaid, shall have full power to build, erect, construct, and maintain a public toll road from Webber's Lake, in Sierra County, to Randolph, in Sierra County, and shall have the right of way for that purpose, and shall enjoy all the rights, privileges, and immunities thereunto appertaining for the space of twenty years from the completion of said road.

SEC. 3. Said company shall within six months from the passage of this Act commence the construction of said road, and within two years build and fully complete the same; otherwise the rights herein granted shall be forfeited, and this Act become null and void.

SEC. 4. The grades on said road shall be constructed with turn-outs at convenient places for the turning out and passing of the heaviest teams, and shall be kept open in good repair at least five months in each year.

SEC. 5. Said company, upon the construction and completion of said road, shall be authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of Sierra County shall fix annually.

SEC. 6. Said company shall keep conspicuously placed at each end of said road a bulletin board containing the scale of prices allowed for travel on said road.

SEC. 7. This Act shall take effect from and after its passage.

CHAP. CCLX.—*An Act to authorize the construction of a wagon road from the Cold Spring House in Butte County, to Greenville in Plumas County.*

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. James R. Baylan, A. Miller, A. Wood, their associates and assigns, are hereby authorized to construct and keep in repair a good wagon road, commencing at a point near the Cold Spring House, in the northern portion of Butte County, and running thence by the way of Humbug Valley to Greenville in Indian Valley, Plumas County, which road shall be completed within one year from the passage of this Act.

Sec. 2. Said grantees, their associates and assigns, shall have the right of way over and along the route of said road, and no other toll road shall be constructed within two miles on either side of said road; and said company shall have all the right to enter upon and occupy private lands necessary to the location of said road, and to take and use any timber, rock, earth, or other material necessary to the construction thereof, which are conferred upon railroad companies by an Act for the incorporation of railroad companies, approved May twentieth, eighteen hundred and sixty-one; provided, they shall not use nor occupy any public road now in use between the points designated,

unless by the permission of the Board of Supervisors of Plumas County.

Tolls. SEC. 3. The said grantees, their associates and assigns, are hereby authorized to collect such tolls upon said road after its completion as may be directed by the Board of Supervisors of Plumas County.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXI.—*An Act to provide for the better protection of the petroleum mining interests of this State.*

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Evidence. SECTION 1. In actions respecting petroleum mining claims, proof shall be admitted of the customs, usages, regulations, or local laws established and in force in the petroleum mining district embracing such claim; and such customs, usages, regulations, or local laws, when not in conflict with the Constitution and laws of this State, shall govern the decisions of the action.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXII.—*An Act to fix the compensation of the Board of Supervisors of Sutter County.*

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Per diem. SECTION 1. Each member of the Board of Supervisors who may hereafter be elected (but this shall not apply to any Supervisor that has been elected) in the County of Sutter, shall be entitled to receive for his services for each day's necessary attendance on the business of the county, the sum of six dollars per day; provided, that no member of the Board shall receive more than four hundred dollars in the aggregate for any one year.

Mileage. SEC. 2. Each member of the Board shall also receive twenty-five cents per mile for each mile necessarily travelled in going to and returning from the county seat to attend to the business of the county.

SEC. 3. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXIII.—An Act granting the Kearsarge Road Company and their assigns the right to construct and maintain a toll road and collect tolls thereon.

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Kearsarge Road Company are hereby ~~Franchise.~~ authorized to construct and maintain a toll road, under the provisions of the statutes of California, from a point in Owens' River Valley, in the direction of the Kearsarge Mine, in accordance with their present location and survey, in the County of Tulare, and to charge and collect tolls thereon for a period of twenty years.

SEC. 2. The Board of Supervisors of the county shall fix the ~~Tolls.~~ rates of toll each year, but shall not have power to reduce the tolls so as to yield less than fifteen per cent on the cost of said road over and above the expense of collecting the tolls and of keeping the road in repair.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXIV.—An Act to authorize Theodore A. Linn, Joseph F. Montgomery, A. A. Hadley, and John Ray, together with those whom they may associate with them, to construct and maintain a Turnpike Road from Upper Mattole Valley to Shelter Cove, in Humboldt County, and to charge and collect tolls thereon.

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Theodore A. Linn, Joseph F. Montgomery, A. A. Hadley, and John Ray, together with those whom they may associate with them, shall take, have, possess, and enjoy all rights, privileges, rights of way, franchises, and immunities hereinafter mentioned, upon condition that they shall incorporate themselves under the general laws of this State regulating corporations, and shall adopt the name of the Upper Mattole and Shelter Cove Road Company, and shall abide and fulfil the conditions herein mentioned.

SEC. 2. Said company, when incorporated as aforesaid, shall ~~Duration.~~ have full power to build, construct, and maintain a public toll road from Upper Mattole Valley to Shelter Cove, in Humboldt County, and shall have the right of way for that purpose, and shall enjoy all rights, privileges, and immunities thereunto appertaining for the space of twenty-five years from the completion of said road.

Completion. SEC. 3. Said company shall within one year from the passage of this Act commence the construction of said road, and within three years build and complete the same, otherwise the rights herein granted shall be forfeited, and this Act become null and void.

Tolls. SEC. 4. Said company, upon the construction and completion of said road, are hereby authorized and empowered to charge and collect such rates of toll as the Supervisors of Humboldt County shall annually establish; *provided*, that said Board of Supervisors shall not have the power to reduce the rates of toll so as to yield less than twelve per cent per annum on the capital stock of said company; and *provided*, further, that the capital stock shall not exceed fifty thousand dollars.

Right of purchase reserved. SEC. 5. The rights and privileges are hereby granted upon the express condition that the County of Humboldt may through its Board of Supervisors have the right of purchasing said road at the expiration of eight years after its completion, and of being substituted in all the rights and privileges herein granted said company, by paying the sum actually expended in the construction of said road, together with interest at the rate of ten per cent per annum thereon; and for the purpose of ascertaining said cost of construction, the Board of Supervisors of said county shall appoint one referee, the company shall appoint one referee, and the two referees thus appointed shall appoint a third referee, and said referees shall report the cost of said road upon oath; *provided*, the said Board of Supervisors shall not have the right to purchase the said road except for the use and benefit of the county.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP CCLXV.—*An Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise.*

[Approved March 19, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Books to be provided. SECTION 1. Each of the County Clerks of the several counties of this State, including the City and County of San Francisco, shall, immediately after the passage of this Act, be provided with a suitable book or books, strongly bound, with the necessary ruled columns, and appropriate headings and labels, for the registration, as hereinafter provided, of all the citizens of this State resident in their respective counties, who are, or may be within six months, by reason of continuous residence, legal voters thereof, which book shall be designated, entitled, and known in law as the "Great Register."

SEC. 2. In the Great Register the County Clerk, on application or on the return of the Assessor, shall register every domiciled inhabitant of his county who, by virtue of the citizenship, lawful age, and other qualifications prescribed by the Constitution, is, or may be within six months, a qualified elector and legal voter thereof; and every person registered in one county, on removing to another county in this State with intent to reside there, shall apply to the County Clerk of the county where he is registered for a certificate of such registration, which shall be given him on demand, setting forth the entries as they exist in the respective register aforesaid, and certifying that it is given for the purpose of cancelling the registration therein, and authorizing the registration of the applicant in any other county where he may next become a resident; on production of which certificate to the County Clerk of the county to which he shall have removed, and the filing and cancellation thereof, and not otherwise, he shall be entitled to be there registered. And every person not producing such certificate shall, to entitle him to registration in any county, be required to make oath before the County Clerk or Assessor, as the case may be, that he is not registered in any other county; and whenever any certificate of registration shall be given to any person in the form and for the purposes in this section expressed, the County Clerk shall at the same time cancel the registration of such person by entering in the proper column the word "removed."

SEC. 3. The manner of registration shall be as follows: Clear and distinct entries shall be made in said books, setting forth in separate columns the name at full length (without the use of initials) of the person registered; his age, omitting fractions of years; the country of his nativity; his occupation; the particular city, town, township, ward, or district of his residence; if a naturalized foreigner, when, where, and by what Court he was admitted to become a citizen of the United States; also the date of registry, and a number affixed to each name, which numbers shall run successively in the order of registration; and to the truth of the facts stated in such entries the person registered shall be duly sworn, which shall also be noted and verified by the word "sworn," to be entered in a separate column opposite the name.

SEC. 4. In the Great Register aforesaid there shall also be provided and left a blank column for the cancellation of the registration when required, by entering in said column, opposite the name of the person registered, the word "dead," when authentic information shall be communicated to the County Clerk of the decease of such person, and the word "removed" when such person shall remove from the county, the word "insane" when the insanity of the person shall have been legally established, and the word "infamous" when such person shall have been duly convicted of any infamous crime. And any competent Court before whom any person shall have been duly found insane, or adjudged guilty of bribery, perjury, forgery, or other infamous crime, shall at the same time, or, if it be then omitted, may after-

County Clerk
to register
names.

wards order that such person, until duly restored to his rights, be excluded from the right of suffrage and registration on the Great Register, or, if he already be registered therein, that his registration be cancelled. Insane persons shall recover their rights on becoming of sound mind; and persons convicted of any of the aforesaid offences may be restored to their rights by pardon.

Duties of
Assessor.

SEC. 5. It shall be the duty of the Assessors of the several counties, personally, or by such person or persons as they may depute for that purpose, to enroll and return to the respective County Clerks, from time to time as the same shall come to their knowledge, the names of all unregistered inhabitants of their counties who by this Act are required to be registered, together with the particulars required to be entered and set forth in the registration of such persons as provided in section three, to the end that such persons be registered in the proper book as therein required; and the Assessor shall examine on oath each person so enrolled and returned in relation to the facts and particulars so required to be set forth, and in his returns shall note the fact of such examination and sworn verification by the word "sworn," with the date of administering the oath. The County Clerk, finding the returns sufficient for the purpose, shall register the names returned accordingly. Any defects in such returns shall be pointed out by the County Clerk, in order that the errors or defects may be corrected when practicable, and that persons entitled to registration may suffer no prejudice or unnecessary delay thereby. The County Clerk and the Assessor shall be allowed for their services aforesaid, payable out of the County Treasury, such compensation as the Board of Supervisors shall fix, not exceeding twenty-five cents to the County Clerk for each name registered, and twenty-five cents to the Assessor for each name duly and properly returned as aforesaid.

Errors.

Pay.

Naturalized
citizens.

SEC. 6. No person, having been an alien, and claiming to have been naturalized conformably to the laws of the United States, shall be entitled to be registered in the Great Register, unless he shall produce to the County Clerk, as the only evidence of such naturalization, a certificate thereof, in due and proper form, under the seal of the Court before which the same took place, or in case his certificate be lost or destroyed, shall, by the testimony of at least two registered citizens, being householders and legal voters of this State, prove to the satisfaction of the County Clerk and the County Judge that he has resided in the United States five years and in this State one year at least next preceding his application, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same, and that he is reputed to be a naturalized citizen of the United States, and is such according to the best of such deponents' knowledge, information, and belief; in which case, and such proof being made, the applicant's own affidavit shall be received to establish the fact of naturalization as well as the existence and loss or destruction of his certificate; *provided*, that unless it appear by such testimony, examination, affidavit, or otherwise to the County Judge, that the records of the Court before which the naturali-

zation took place are destroyed, the applicant shall, by order to be filed with the County Clerk at the time of his registration, be required to produce the proper certificate within two years thereafter, and in default of producing and exhibiting the same to the County Clerk, such registration shall be cancelled.

Sec. 7. Where the applicant for registration, having been an alien, claims to have been naturalized more than fifteen years previous to his application, and is unable to produce the proper certificate of his naturalization, if he shall, by the oaths of two registered householders and legal voters of this State, prove to the satisfaction of the County Clerk and County Judge that he has resided in the United States fifteen years, and in this State five years next preceding, and that during said five years he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same, and that he has been during said five years reputed to be a citizen of the United States, and is such according to the best of the knowledge, information, and belief of such householders, then and in such case his own affidavit shall be received as evidence of his naturalization, and of the existence and loss of his certificate, and thereupon he shall be admitted to permanent registration without further proof.

Sec. 8. Persons born without the limits of the United States who may claim to have become citizens thereof by virtue of the naturalization of their fathers while they were under twenty-one years of age, and dwelling within the United States, shall, to entitle them to registration, produce a certificate in due form, under the seal of the proper Court, showing that their fathers were so naturalized, and make proof of their residence and minority at the time, or being unable to produce such certificate, shall make the same proof of residence, character, and reputed citizenship as is required in section six, and thereupon their own oaths, or the oath of some registered householder and citizen, deposing to such naturalization of the father and the residence and minority of such persons at the time, according to the best of deponent's knowledge, information, and belief, shall be received by the County Clerk and Judge as evidence of the fact, and in such case the applicant shall be admitted to permanent registration without further proof.

Sec. 9. In all cases, other than those provided for in the three preceding sections, the Assessor and County Clerk shall require satisfactory proof of citizenship on the part of all persons not personally known to them to be natural born citizens of the United States, before admitting them to registration. Such proof may be given by authentic documents, or by the testimony on oath of any registered citizen and inhabitant of the county, and common repute may also be received as evidence in such cases. The County Clerk, Assessor, and County Judge shall each of them have power to administer oaths and examine any person on oath touching the right of such person, or of any other person, to registration. Upon every certificate or document presented and accepted as evidence of naturalization, in pursuance of which registration in the Great Register shall be accorded, the County Clerk shall at the same time indorse the

Naturalized citizens.

Citizens by virtue of naturalization of parents.

Proofs of citizenship.

fact, date, and purpose of such presentation, and sign his name thereto; and a similar indorsement shall be made by the Clerk of Elections whenever any such certificate or document shall be presented to the Board of Registration, or Board of Judges of Elections, and accepted as evidence of naturalization in the cases hereinafter required or allowed.

Refusal of
County Clerk
to register.

SEC. 10. Persons entitled to registration, whose registration shall be refused by the County Clerk, may proceed by mandamus, before any Court having jurisdiction, against such Clerk to procure their registration, but no costs shall be allowed in such proceeding. In cases not otherwise provided for in this Act, the registration of any person not duly qualified therefor may be cancelled whenever the fact shall be made to appear in a proceeding in the nature of quo warranto, which may be instituted against such person in the County Court of the county where he is registered, on the sworn complaint of any registered citizen thereof, setting forth the material facts of the case. The party interested shall be duly summoned, and may appear and answer as in ordinary actions in the District Courts; and the Court, upon hearing at such time as may be appointed for the purpose, the parties having due and reasonable notice, shall proceed to render such judgment as the law and the facts shall require. If such judgment be for the cancellation of such registration, an appeal may be taken to the Supreme Court by the party aggrieved, in the same manner as other appeals are taken to the Supreme Court from the County Court.

Registration
of the un-
qualified to
be cancelled.

SEC. 11. Persons duly registered in the Great Register shall be deemed citizens of the State of California, and on application to the Secretary of State, and production under the hand and seal of the proper County Clerk, of a certified abstract of their registration, and making affidavit or other satisfactory proof of continued residence in this State and in the county where registered, and payment of the same fee as is allowed for certificate and seal of State in other cases, shall, if they desire it, be entitled to receive a certificate of their citizenship, under the great seal, signed by the Governor and Secretary of State.

List of names
for Election
Clerks.

SEC. 12. During the month of July, eighteen hundred and sixty-seven, and during the month of July every four years thereafter, the County Clerk (except when and as may be otherwise ordered by the Board of Supervisors) of the several counties of this State, shall make out and certify a general list, and during the month of July in each of the intermediate years, a supplementary list, alphabetically arranged according to surnames, of all persons who then stand registered upon the Great Register, (omitting those whose names are cancelled by the proper entries,) with the entries opposite each name, and the register number, as they appear in said book, and shall cause to be printed and transmitted to the Clerk of Elections of each election precinct in his county at least ten printed copies thereof; *provided*, that each supplementary list, unless otherwise ordered as aforesaid, shall contain only the names of persons registered after the making out of the general or supplementary list next preceding it.

Election
districts,
and polls.

SEC. 13. The Board of Supervisors of each county throughout the State, including the City and County of San Francisco, are empowered, and immediately after the passage of this Act

shall proceed to establish a convenient number of election districts in their respective counties, and to define the boundaries thereof, which they shall have power to alter from time to time, as the convenience of voters may require. They shall also have power to establish and designate the precincts or places for holding the polls in each district. In all the counties, except Amador, Tuolumne, Siskiyou, Butte, Placer, Mono, El Dorado, Shasta, Trinity, Nevada, Calaveras, Sierra, Mariposa, Merced, Del Norte, Klamath, Yuba, Contra Costa, Humboldt, Napa, there shall be one, and only one, precinct or place of holding the polls in each election district aforesaid. In the said excepted counties, should the Board of Supervisors find it, necessary in consequence of the condition of the country and population, to lay off election districts of such great extent as to require more than one precinct therein for the convenient accommodation of the legal voters, they shall in that case have power to establish one or more and as many such precincts as shall in their judgment be necessary for the purpose; but eventually, and whenever practicable in the judgment of the Board, the extent of such large districts shall be so reduced that one precinct will be sufficient therefor; *provided*, that every election district throughout the State shall be so constructed as not in any case to embrace more than one township, and in such manner that its exterior limits shall not cross the exterior boundaries of any township, incorporated town or city, or any ward, district, or other territorial subdivision in and for which local officers are to be elected.

SEC. 14. For every election precinct throughout the State ^{officers of election.} there shall be elected or appointed, as hereinafter mentioned, one Clerk of Elections and two Judges of Elections, who shall hold office two years, and until their successors shall be appointed or elected and qualified; and all vacancies which may exist or occur in either of said offices, by death, resignation, removal from the precinct, or otherwise, shall be filled by appointments to be made by the Board of Supervisors of the proper county; and where the office is elective, the appointee to fill a vacancy shall hold office until the next regular election for county officers, and until the election and qualification of his successor. Each of said officers, before entering upon his duties, shall take the constitutional oath of office.

SEC. 15. The Board of Supervisors shall appoint the Clerk ^{Appointment of Judges and Clerks.} and Judges of Elections, except in those counties where said offices shall be declared elective by an order of the Board of Supervisors thereof, to be made and duly recorded on their records, which may be done on the petition in writing of any number of the householders and legal voters of the proper county whose names are found on the last preceding poll lists, which number of petitioners shall not be less than one hundred, nor less than one tenth the whole number of voters enrolled on said last preceding poll lists. When elective, the Clerk and Judges of Elections shall be chosen at the general election.

SEC. 16. In the election of Clerk and Judges of Elections, ^{Election of same.} where the office is elective, each qualified voter in each precinct shall vote for one Clerk and one Judge of Elections only, and the person having the highest number of votes for Clerk shall be Clerk of Elections, and the two standing highest on the list,

or having the largest number of votes for Judges, shall be the Judges of Elections for the respective precinct.

SEC. 17. The Clerk and Judges of Elections shall constitute the Board of Registration for the enrolment in their respective districts of all the legal voters thereof; and also, besides the powers and duties by this Act specially conferred and enjoined upon them, the Clerk of Elections shall take the place of the Inspector of Elections now provided for by law, with the same powers, duties, and obligations, and the Clerk and Judges aforesaid shall constitute the Board of Judges of Elections now provided for by law; and all existing laws not repugnant to the provisions of this Act relating to Inspectors of Elections are hereby declared applicable to the said Clerk of Elections; and all the laws now in force applicable to Judges and Boards of Judges of Elections, and not repugnant as aforesaid, are hereby continued in force and declared applicable to such officers and Boards as constituted by this Act.

SEC. 18. During the period of ninety days next preceding any election appointed or authorized by law, the Board of Registration shall make out, and on the thirtieth day next preceding such election, or, if that day be Sunday, the day following, shall revise, complete, and deposit with the Clerk of Elections, and within three days thereafter shall post in one or more of the most public places of their district (which, if there be more than one precinct in such district, shall be most contiguous to their respective precincts) an alphabetical list according to surnames, of all persons residing in such district and entitled to be enrolled at their respective precinct, who then are by citizenship, and may be on the day of such election by continuous residence, legally qualified to vote at such precinct; which list shall comprehend the names of all such persons (including those between twenty and twenty-one years of age, and who will become of age on or before the day of election) who shall have their bona fide residence in said district upon the thirtieth day next preceding such election, and at the time of the completion and revision of said list. The list so made out shall be designated and known in law as the Poll List, and shall supersede and be in lieu of the poll list now provided for by law. The poll lists shall, at all convenient times, except when in use of the Board of Judges on election days, be open to the inspection of all legal voters, and of all persons enrolled or entitled to be enrolled thereon; and it is hereby made incumbent on every person who is or may be on the day of such election qualified to vote thereat, to apply and see that he is duly enrolled for that purpose.

SEC. 19. In districts where there is but one precinct, the Clerk of Elections shall, during the period prescribed in the last section for making out and completing the poll list, and when the Board is not in session upon his own authority, enter upon said list, subject to the revision and correction of the Board, the names of all persons still residing in his district enrolled in the next preceding poll list made out in pursuance of this Act, and also the names of all persons found upon the Great Register of the county whom he personally knows to be, or who, by the oath of any householder or legal voter of his district known to

Boards of
Judges of
Registration

Board of
Registration
to prepare
list.

Poll list.

Listing of
names.

him, shall be satisfactorily proved to be bona fide residents of his district.

SEC. 20. In districts where there are more precincts than ~~same~~, one, the voters shall be allowed to enroll themselves at either of such precincts which they may select as most convenient to their residence, on making application personally or in writing to the Board of Registration, or to the Clerk of Elections when the Board is not in session, and making satisfactory proof of residence and identity. Applications in writing shall be addressed to the proper Board of Registration or Clerk of Elections, expressing the desire of the applicants to be enrolled in order to vote at the precinct thus indicated, and shall be witnessed, and the genuineness of the signatures thereto, when not known to the said Board or Clerk, shall be attested by a subscribing witness known to them, who is a resident and legal voter of the district.

SEC. 21. The registration in the poll list shall be made by ^{Manner of} ~~registration.~~ entering therein, in separate columns appropriately headed, the name at full length, with a number prefixed to each name, which numbers shall run successively in the order of the names as they stand on the list, commencing with number one; date of entry in the list; age, omitting fractions of years, except where the person enrolled is between the age of twenty and twenty-one years; the class of citizenship, whether native or naturalized; occupation; the particular locality in the district of the voter's residence, if it can conveniently and briefly be stated, giving in towns and cities, as far as possible, the number of the dwelling and name of the street, or other location of the dwelling.

SEC. 22. The Board of Registration shall be in session on the said thirtieth day next preceding any such election as aforesaid—or if that be Sunday, then on the day following—at the office of the Clerk of Elections, for the purpose of determining applications on behalf of persons claiming the right to be enrolled on the poll list, erasing names improperly entered or improperly remaining thereon, and correcting all errors in relation thereto. They shall insert and enroll the name of every person entitled to be enrolled who may have been omitted from any cause, and shall erase the name of every person improperly placed or remaining on said list, so far as they are able to ascertain the same; and for that purpose the said Board and each officer and member thereof shall have power, then or at any other time whenever necessary, to administer oaths and examine on oath any person touching his own or the right of any other person to be registered in the Great Register, or to be enrolled on the poll list, or touching the qualification of any such person as an elector; and the said Board, by a summons to be issued under the hand of the Clerk of Elections, may call before the Board at any stated meeting, or before the Clerk of Elections at his office, at a day and hour to be specified in such summons, any person to give testimony touching any of the matters aforesaid; provided, that none but householders who have resided in the district for at least one year next preceding the time of making up the poll list, shall under any circumstances be enrolled thereon, unless on their own personal application.

^{Board of}
^{registration,}
^{duties, etc.}

County Clerk SEC. 23. Within five days after the making out and completion of the poll list as aforesaid, the Clerk of Elections shall transmit to the County Clerk a certified copy thereof, with all the entries opposite each name in full; and the County Clerk, except when and as may be otherwise ordered by the Board of Supervisors, shall, as soon as possible thereafter, and at least ten days before the election, make out and cause to be printed and delivered to each of the Clerks of Elections in the several election precincts, ten printed copies by him certified, of all the poll lists so transmitted to him, attached or connected together, but separately and distinctly arranged and headed.

Final meeting of Board of Registration SEC. 24. The Board of Registration shall hold their final meeting for the purpose of revising and correcting the poll list, commencing on the third day next preceding the election—or, if that day be Sunday, then on the day following—and continuing their sessions by adjournment from day to day, or from time to time, up to the time of opening the polls on the day of election, and no longer; after which time no additional names shall be enrolled for that election. At such final meeting they shall erase from the poll list the names of all persons not then actually residing in such district, or who, though actual residents of the district, are not qualified by citizenship to vote, or who for any reason are not then entitled to be or remain enrolled on said list.

Proceedings to be open. SEC. 25. All the proceedings of the Board of Registration shall be open, and all legal voters of the district, and all persons qualified to be enrolled on the poll list, shall be entitled to be heard before them in relation to the formation and correction of the poll list. Reasonable public notice shall be given of their meetings, and of the place where the office of the Clerk of Elections is kept, which, if convenient, shall be at or near the place where the polls are usually held.

Persons entitled to enrolment at final meeting SEC. 26. In the following cases and no others, persons whose names have not been entered on the poll list of any precinct on or before the meeting of the Board of Registration, to be held on the thirtieth day next preceding the election, may be enrolled on said list at the final meeting of the Board of Registration:

First—Where the person applying, or in whose behalf the application is made, shall furnish to the Board of Registration his affidavit, setting forth reasons satisfactory to the Board why he did not apply and procure the enrolment of his name on said poll list, and shall also prove to the satisfaction of the Board by such affidavit and by the oath of at least one householder whose name is duly registered in the Great Register, and who is a legal voter of the district, that he has had his bona fide residence therein in pursuance of his lawful calling for thirty days at least next preceding, or for a period which, extended up to the day of election, will be equal to thirty days, specifying, in towns and cities, as far as practicable, the name of the street or place, and number or other designation of the house or dwelling where his residence is and has been during such period, and that he did not remove into said district for the purpose of voting, and shall also make oath that he is not enrolled elsewhere.

Second—Where the person applying shall prove, by the pro-

duction of a naturalization certificate in due form under the seal of the proper Court, that he has been admitted a citizen of the United States within the period of thirty-five days then next preceding, and shall also prove his residence in the district in the same manner as is required and specified in the preceding subdivision of this section.

Sec. 27. Prior to the first day of July, eighteen hundred and ^{Enrolment on poll lists.} sixty-seven, registration in the Great Register shall not be an indispensable prerequisite to enrolment on the poll lists, but during said interval, persons duly qualified, whether native or naturalized citizens, but not registered as aforesaid, may, nevertheless, be enrolled on the poll lists on producing to the proper Board of Registration the same proof of citizenship as would be required to entitle them to registration in the Great Register, and in making up and completing said poll lists all other provisions of this Act shall be strictly observed, as well before as after said date; *provided*, that registration in the Great Register aforesaid, when existing, as well before as after the said first day of July, eighteen hundred and sixty-seven, shall, until the contrary is proved, be received by the Board of Registration as sufficient evidence that the person registered was, at the time of registration, a citizen of the United States, domiciled in the county.

Sec. 28. After the first day of July, eighteen hundred and ^{same.} sixty-seven, registration in the Great Register being the only authentic record of domiciliation and citizenship, made upon the prerequisite and proper evidence, presented at the time and in the manner prescribed by law, none but those whose names stand registered and uncancelled upon the Great Register of the county, shall be enrolled upon the poll lists in such county, except only persons naturalized, becoming of age, or coming into the county to reside within thirty-five days next preceding the day of the election for which the poll lists are made up. In all cases, both before and after the said first day of July, eighteen hundred and sixty-seven, persons not registered in the Great Register of the county where they may apply to be enrolled on the poll lists or to vote, shall be required to prove their residence in the proper election district in the same manner as is mentioned and specified in the first subdivision of section twenty-six, and with the same particularity; and if they fall within the first or third exception contained in the first clause of this section, they shall, after the said first day of July, A. D. eighteen hundred and sixty-seven, also be required to produce to the Board of Registration a certified abstract of registration in some other county, given in pursuance of section two of this Act; but if they fall within the second exception contained in said first clause, and claim citizenship by virtue of the naturalization of themselves or of their fathers, they shall be required to produce the certificate of such naturalization in due form as the only evidence thereof.

Sec. 29. No person shall be allowed to vote except at the ^{Voters, and place of voting.} polls held in the election district where he resides; nor unless his name is enrolled on the poll list where he offers his vote in such district, nor for local or representative officers, unless he

shall have had his residence for thirty days next preceding within the territorial limits prescribed for the election of such officers. If any person enrolled on the poll list, whose vote shall be objected to on the day of election by any qualified elector, shall be proved to the satisfaction of the Board of Judges, either by his own oath or by the oath of any other qualified elector and householder of the district, or by other clear and competent evidence, not to be legally qualified and entitled to be enrolled on said poll list, or if it be proved as aforesaid that he is enrolled on more than one poll list when he offers his vote, or is otherwise not legally qualified to vote at such election, his vote shall be rejected. The Board of Judges and Board of Registration, and each member and officer thereof, shall cause to be carefully taken down and preserved in the office of the Clerk of Elections all the affidavits and a brief statement or record of the substance of the oral testimony taken before them or either of them, either in relation to the right and qualification of any person to vote, or to have his name enrolled on the poll list.

Poll lists for
new precinct

SEC. 30. In such new precincts as may be formed within sixty days next before any election is to be held, and also whenever an election is to take place less than three months after the time fixed by statute or by competent authority in pursuance of the statute for holding it, then the poll list may be made out, revised, completed, and corrected within such time as shall be afforded after the formation of such new precinct, or after the time for holding such election shall have been so fixed; and all the provisions of this Act applicable to the formation, completion, and correction of poll lists shall be observed in such cases, except as to the time within which any act is to be done, and, as to that particular, also as nearly as practicable in the case.

Manner of
marking list

SEC. 31. The poll list, in duplicate, as finally completed and corrected, shall be kept at the polls on the day of election, and thereafter remain in the custody of the Clerk of Elections; and on said poll list, opposite the name of each person voting, the fact shall be noted in a separate column reserved for the purpose, by the word "voted," or by the initial letter "V;" and opposite the name of each person applying to vote whose vote shall be rejected, that fact shall also be noted in the proper column so reserved by the words "vote rejected," or by the initial letters "V. R." The Board of Judges of Elections shall also cause to be kept a separate list and record of all persons attempting to vote without being enrolled on the poll list, or who, being enrolled, shall be satisfactorily proved to them not to be qualified for such enrolment; and of all persons whom they shall find enrolled in two precincts at the same time; of all persons who shall vote twice or offer to vote twice at the same election, or who shall commit, or in any manner or by any connivance incite, aid, or abet another to commit any other fraud against the provisions of this Act; and the Clerk of Elections shall immediately thereafter deliver a transcript of such list and record, and also of such affidavits and material testimony as may be in his possession to the District Attorney, to the end that the parties guilty may be proceeded against according to law.

List for
District
Attorney.

SEC. 32. Every person enrolled on the poll list of one district shall on removing therefrom apply to the Clerk of Elections to have his enrolment on said list cancelled, and shall use all practicable diligence to see that his enrolment on the poll lists, wherever existing other than in the district where he actually resides, is duly cancelled.

SEC. 33. Every Justice of the Peace, Constable, Judge and Clerk of Elections, and every Supervisor, shall use all practicable diligence to notify the inhabitants of his township, district, or precinct, to register their names in the proper register and poll lists as required in this Act; and it shall be the duty of every such officer to give special and personal notice, as far as practicable, to every person hereafter coming to reside in such township, ward, or district, who according to the provisions of this Act ought to be registered, requiring him to register his name as aforesaid.

SEC. 34. Any person who shall knowingly and wittingly cause, procure, or by any consent or connivance allow himself to be registered in the Great Register of any county, knowing himself not to be entitled to or qualified for such registration, or while his registration upon the Great Register of another county exists and remains uncancelled, or to be enrolled upon the poll list of any election precinct, knowing himself not entitled to or not legally qualified for such enrolment, or while his enrolment upon the poll list of another precinct exists and remains uncancelled, or shall vote or attempt to vote at any election, knowing that he is enrolled on the poll list of more than one precinct, or who, in order to get himself admitted to be enrolled or to vote, shall use any false name, or who shall falsely personate any enrolled voter, and any person instigating, causing, aiding, or abetting any other person in any manner in either of said acts, shall on conviction thereof be punished by fine not exceeding one thousand dollars, or by imprisonment in the County Jail or State Prison not exceeding one year, or by both such fine and imprisonment, in the discretion of the Court according to the nature and circumstances of the case. In all cases where, on the trial of a person charged with any offence under the provisions of this section, it shall duly appear in evidence that the accused stands registered in the Great Register of any county without being qualified for such registration, the Court, whether the defendant be acquitted or convicted of the offence charged, shall order such registration to be cancelled.

SEC. 35. If any member or officer of the Board of Registration, or Board of Judges of Elections, shall wilfully or fraudulently enroll or admit any person to be enrolled on the poll list, or admit any person to vote at any election knowing him not to be qualified to be enrolled or to vote as aforesaid, or shall refuse to enroll any person on said poll list knowing him to be entitled to be so enrolled, or refuse to admit the vote of any person knowing him to be entitled to vote, or shall otherwise knowingly and fraudulently act in violation or contravention of the provisions of this Act, he shall, on conviction for each and every such offence, be punished by fine not exceeding one thousand dollars, or by imprisonment in the State Prison or County Jail, at the discretion of the Court, not exceeding one year, or

by both such fine and imprisonment. If the County Clerk, Assessor, or the members of any Board of Supervisors, or any of them, shall wilfully neglect or refuse to perform any specific duty enjoined upon him or them by this Act, or shall, in his official capacity, knowingly and fraudulently act in contravention or in violation of its provisions, he shall, on conviction thereof, be punished as hereinbefore in this section provided.

County Court to give this law in charge to Grand Jury. SEC. 36. It shall be the duty of the County Court at the opening of every session held next after any election, and at other times when said Court shall deem it necessary, to give this Act in charge to the Grand Jury, clearly and distinctly stating and explaining to them the duties and liabilities of individuals and public officers prescribed therein, and charging them to present every person who, within the jurisdiction of the Court, shall have been guilty of any dereliction of said duties or offence under this Act, so far as the same may have come to their knowledge.

Compensation. SEC. 37. The Clerk and Judges of Elections shall be allowed such compensation as the Board of Supervisors shall prescribe, not exceeding three dollars a day each for all the time that they are necessarily employed, and not exceeding five days' pay in any one year for each of the Judges, and six days for the Clerk of Elections, which shall be in full compensation for making up the poll lists, as well as for holding elections, and all services whatsoever in relation thereto. The expense of printing lists and blanks in the several counties when required by this Act, shall be provided for by the Board of Supervisors; and said expense, as well as the aforesaid compensation of the Clerk and Judges of Elections, being first duly approved, allowed, and audited, as other demands are required to be, shall be paid out of the County Treasury.

State Board of Registry. SEC. 38. For the purpose of rendering the mode of registration and enrolment as nearly uniform, free from inconvenience, and effectual as possible throughout the State, the Governor, Secretary of State, Controller, Attorney-General, and Surveyor-General are hereby constituted a State Board of Registry, of whom a majority shall constitute a quorum for the transaction of business, which Board, subject to the provisions, limitations, and restrictions of this Act, shall have the following powers:

Powers and duties. *First*—To prescribe the forms to be used in the several counties and election districts under this Act, and to establish such general rules and regulations as they may deem necessary for carrying its provisions into complete effect, and with as little expense and inconvenience as possible.

Second—To consider and decide such questions affecting the right of registration or enrolment under this Act as may be submitted to them by the Governor, the County Clerk of any county, or the Board of Registration of any election precinct.

Duties of Secretary of State. *Third*—To order and cause to be prepared, at the expense of the State, and through the Secretary of State transmit to the County Clerks of the several counties, the necessary and proper books for the Great Register, the necessary cost of such books to be audited, allowed, and paid out of the General Fund in the State Treasury in the same manner as other lawful demands against the State are required to be audited, allowed, and paid.

SEC. 39. Whenever a meeting of the Board of Registration of any precinct is required to be held, two members thereof shall be a quorum for the transaction of business; and if in consequence of sickness, absence, or other temporary disability of any member, or a vacancy not filled, the attendance of but one member can be obtained, the places of the members absent may be supplied for that meeting by any two householders and legal voters of the precinct who have resided there continuously for two years at least, to be appointed by the member in attendance, with the consent and concurrence of any Justice of the Peace of the county; and in case of the inability to attend of the Clerk and both the Judges of Elections, any Justice of the Peace, with any two householders, legal voters of the precinct, by him to be appointed, shall act as the Board of Registration for that day. The householders aforesaid who may supply the place of absent members of the Board of Registration shall severally be sworn by the Justice of the Peace faithfully to discharge their duties as members of said Board according to law.

SEC. 40. No fees or compensation shall be allowed to any officer for the services required under the provisions of this Act, except as herein expressly allowed and specified; provided, that when any action shall be instituted in any Court of record of this State by mandamus, quo warranto, or otherwise, under the provisions of this Act, the same fees shall be allowed the officers that are now provided by law in other civil cases.

SEC. 41. In all legal or official proceedings, legislative Acts, Registry Act, and other cases, this Act may be referred to and cited by the title of "The Registry Act."

SEC. 42. All laws so far as they conflict with the provisions of this Act are hereby repealed.

CHAP. CCLXVI.—*An Act providing for certain improvements in the Sacramento River, fronting the City of Sacramento.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A special tax of fifteen cents on each one hundred dollars of taxable property within the City of Sacramento is hereby levied upon the city assessment roll of the year eighteen hundred and sixty-six, and is directed to be collected as other city taxes levied on said roll; said tax shall be known as the Special Harbor Tax, and the money arising therefrom shall be kept in a fund by itself, and shall only be used for the following purposes, to-wit:

First—For improving, deepening, and clearing the channel of the Sacramento River in front of the city;

Second—The surplus, if any, may be used to improve the landing, and for the purpose of removing the sand bars from, and deepening, clearing, and improving said Sacramento River.

The Board of Trustees of the City of Sacramento shall have and they are hereby given full power to narrow the channel of said river, and by any means whatsoever, either in said river or from either bank thereof, to change the currents and channel of the river in front of the city; *provided*, that out of the first moneys received from the tax required to be levied under the provisions of this Act shall be paid such sums as the said Board of Trustees may find to be due and owing for improvements undertaken in the channel of said river in front of the city during the year A. D. eighteen hundred and sixty-five, not exceeding four thousand eight hundred and twenty dollars and seventy-three cents.

SEC. 2. This Act shall take effect immediately.

CHAP. CCLXVII.—*An Act to provide funds for the School Department of San Francisco.*

[Approved March 17, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

School bonds. SECTION 1. The Mayor, Auditor, and Treasurer of the City and County of San Francisco, by and with the consent of the Board of Supervisors of said city and county first obtained by ordinance, are hereby authorized and empowered to issue school bonds in a sum not exceeding one hundred and seventy-five thousand dollars in the year eighteen hundred and sixty-six, and the further sum of one hundred thousand dollars in the year eighteen hundred and sixty-seven.

Payable in gold coin. SEC. 2. Said bonds shall be issued in such manner and at such times not inconsistent with the foregoing section, and made payable, both principal and interest, at such times (not exceeding fifteen years) as the Board of Supervisors may prescribe by ordinance; *provided*, the interest shall not exceed seven per cent per annum, and shall be paid semi-annually; and both principal and interest shall be payable in gold coin.

Sale or hypothecation. SEC. 3. As soon as said bonds are issued, the Treasurer of said city and county is hereby authorized and empowered to sell the same to the highest bidder therefor, after having first advertised the same for two weeks in two daily papers published in said city and county; or he may in his discretion borrow money on said bonds, and hypothecate the same therefor, and the proceeds of such sale or hypothecation shall be immediately placed in the Treasury of said city and county and constitute a part of the School Fund; and after paying the deficiency in the School Fund for the present fiscal year, the balance thereof, as also all other money derived from the issue of bonds in eighteen hundred and sixty-seven, if any be there issued, shall be appropriated and used for the sole purpose of purchasing school lots and erecting school houses, and shall be expended under the direction or approval of the Board of Supervisors.

Application of money.

SEC. 4. To secure the payment of the principal and interest of said bonds, it shall be the duty of the Treasurer of said city and county to set apart annually, out of the first moneys coming into the Treasury to the credit of the School Fund, a sum sufficient to pay the semi-annual interest on said bonds, and also to provide a Sinking Fund sufficient for the redemption of the same at maturity, as directed in section five of this Act, and the Act therein mentioned.

SEC. 5. Section four of an Act entitled an Act to confer further powers on the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned, approved April twenty-fifth, eighteen hundred and sixty-one, is hereby made applicable to this Act for all the purposes of surrender and redemption of said bonds.

SEC. 6. The faith and credit of the City and County of San Francisco are hereby pledged for the redemption of said bonds and the payment of the principal and interest, as provided in this Act.

SEC. 7. In case any school lots are hereafter sold in said city and county, at least one half of the proceeds of such sale shall be reserved and set apart for the redemption of bonds issued under this Act and former Acts, until all such bonds now outstanding or hereafter issued for school purposes are paid, or sufficient money received and set apart for their final redemption and payment.

SEC. 8. For the purposes of temporary relief of the School Fund during the present fiscal year, the Treasurer of said city and county, with the approval of the Board of Supervisors first obtained, is hereby authorized to transfer to the School Fund, from any other fund or funds having a surplus, a sum or sums not exceeding in the aggregate sixty thousand dollars, the same to be returned from the first moneys received under this Act.

SEC. 9. Should the demands upon the School Fund for the fiscal year ending June thirtieth, eighteen hundred and sixty-six, be in excess of the School Fund for that year, it shall be lawful to audit, allow, and pay the same from the School Fund of the next fiscal year.

SEC. 10. This Act shall take effect immediately.

CHAP. CCLXVIII.—An Act to amend an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved the fifteenth day of April, A. D. eighteen hundred and fifty-eight.

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of said Act is hereby amended so as read as follows :

Payment of demands. [Section 9.] For the care and maintenance of the children, and the salaries of the Superintendent, teachers, and other officers of said school, and for other purposes connected with said school, the Auditor of said city and county is hereby authorized and required each month to audit the demands of the Board of Managers for an amount not exceeding two thousand dollars per month, and the Treasurer of said city and county is hereby authorized and required to pay the sums so allowed and audited out of the General Fund of the City and County of San Francisco, not exceeding in all the said sum of two thousand dollars per month.

Repeal. SEC. 2. Section one of an Act entitled an Act to amend an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved the fifteenth day of April, A. D. eighteen hundred and fifty-eight, approved April sixth, A. D. eighteen hundred and sixty-three, is hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCLXIX.—*An Act to authorize Williams Smith and others to lay down gas pipes in the Town of Napa.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To lay down gas pipes. SECTION 1. Williams Smith, E. S. Chesebro, and such persons as they may associate with them, are hereby authorized and empowered to lay down and maintain gas pipes in the Town of Napa, and the additions thereto, in the County of Napa, and through said pipes supply gas to the inhabitants of said Town; provided, that the streets of said town shall not be obstructed unnecessarily while such pipes are being laid, and that said streets shall be placed in as good condition after the pipes are laid as they were before.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXX.—*An Act to authorize the California Northern Railroad Company to hold an election.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Rights, and election. SECTION 1. No act of the California Northern Railroad Company shall be deemed invalid nor its corporate rights be consid-

ered determined by reason of its failure to hold its annual elections for Directors; *provided*, that within the next ninety days it shall hold such an election.

Sec. 2. This Act shall take effect from and after its passage.

CHAP. CCLXXI.—*An Act to authorize the Board of Supervisors of San Joaquin County to appropriate money for the use of the San Joaquin Valley Agricultural Society.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of San Joaquin County are hereby authorized and empowered, provided should they deem it expedient so to do, to appropriate the sum of two thousand dollars, the same to be paid out of the General Fund of said county, to the Board of Managers of the "San Joaquin Valley Agricultural Society," as follows, viz: One thousand dollars on or before the first day of June, A. D. eighteen hundred and sixty-six, and one thousand dollars on or before the first day of June, eighteen hundred and sixty-seven; and the said Board of Managers are hereby required to expend said amount in the offer of premiums at the annual fairs to be held by their society during the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven—one thousand dollars to be expended each year.

CHAP. CCLXXII.—*An Act to change the name of Carlos Moon to James Carlos Edwards.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the person heretofore known as Carlos Moon to change his name to James Carlos Edwards; and it is hereby changed accordingly.

Changes
name.
SECTION 2. An Act entitled an Act to change the name of Carlos Moore to James Carlos Edwards, approved February fourteenth, eighteen hundred and sixty-six, is hereby repealed.

SECTION 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXXXIII.—An Act to repeal section six of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in criminal cases, passed May first, one thousand eight hundred and fifty-one, passed April twenty-two, eighteen hundred and fifty-eight.

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Sections repealed.

SECTION 1. Section six of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in criminal cases, passed May first, one thousand eight hundred and fifty-one, passed April twenty-two, eighteen hundred and fifty-eight, is hereby repealed; and the other sections of said Act are hereby made and declared applicable to the Police Judge's Court of the City and County of San Francisco.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Sections applied.

CHAP. CCLXXXIV.—An Act granting certain privileges to the North Beach and Mission Railroad Company.

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Extension of time.

SECTION 1. That the time for the North Beach and Mission Railroad Company for laying and completing the several railroads which it is authorized to construct, equip, and maintain in the City and County of San Francisco, is hereby extended for the period of two years from and after the time limited in an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to provide for street railroads within the City and County of San Francisco, approved April first, one thousand eight hundred and sixty-four.

Right to abandon.

SEC. 2. The said North Beach and Mission Railroad Company are hereby authorized and empowered to relinquish and abandon any part of their several routes at any time within one year, without prejudice to their rights, privileges, and franchises in the remaining portions of their routes; and such relinquishment and abandonment shall be evidenced by filing a certificate to that effect in the office of the Secretary of State, which said certificate shall be under the hands of the President and Secretary and the corporate seal of said company; provided, no portion of said road shall be abandoned on which rails have been laid, except on Battery street north of California street.

SEC. 3. This Act shall take effect immediately.

CHAP. CCLXXV.—An Act granting to the Black Diamond Coal Mining Company the right to construct a tram road or railroad from the mines of said company at Mount Diablo to the San Joaquin River.

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Black Diamond Coal Mining Company, a corporation formed under the laws of California, and having its principal place of business at San Francisco, or its assigns, are hereby authorized to construct and maintain a tram road or a railroad, extending from a point at or near the mines of said company at Mount Diablo to such point on the southerly bank of the San Joaquin River as may be selected by said company for a wharf.

Sec. 2. For the purpose of constructing such tram road or railroad there are hereby given, granted, and conferred to and upon the said Black Diamond Coal Mining Company and its assigns all the powers, rights, and privileges given, granted, or conferred to or upon railroad corporations by the first eight subdivisions of section numbered seventeen (17,) and by sections numbered eighteen (18,) nineteen (19,) twenty (20,) twenty-two (22,) twenty-three (23,) twenty-four (24,) twenty-five (25,) twenty-six (26,) twenty-seven (27,) twenty-eight (28,) twenty-nine (29,) thirty (30,) thirty-one (31,) thirty-two (32,) thirty-three (33,) thirty-four (34,) thirty-five (35,) thirty-six (36,) thirty-seven (37,) thirty-eight (38,) thirty-nine (39,) forty (40,) forty-one (41,) forty-two (42,) forty-three (43,) forty-five (45,) forty-six (46,) fifty-one (51,) fifty-two (52,) fifty-three (53,) and fifty-five (55,) of an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, and the Acts since passed, amendatory of said sections, and by section numbered two (2,) of an Act entitled an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, approved May sixth, eighteen hundred and sixty-two, so far as the provisions of said sections are applicable.

Sec. 3. Said company or its assigns, as motive power on said tram road or railroad, may employ steam, animals, or any mechanical power, or any combination of them.

Sec. 4. The franchise herein granted shall continue for the term of twenty-five years, and the same shall be forfeited unless said company or its assigns shall commence said tram road or railroad within one year and complete the same within two years after the passage of this Act.

Sec. 5. This Act shall take effect from and after its passage.

CHAP. CCLXXVI.—*An Act to provide for the construction of a telegraph line in and through the State of California, between the City of San José and San Bernardino.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise. SECTION 1. The right and privilege is hereby granted to Benjamin Flint and Jotham S. Bixby, or any one or more of them, and their assigns, to construct and put and maintain in operation a line of telegraph from the City of San José to the Town of San Bernardino, by the way of San Juan South, Paso Robles, Hot Springs, Santa Marguerita, San Luis Obispo, La Patera, Santa Barbara, San Buenaventura, Los Angeles, El Monte, San Bernardino, with the right of way over any lands belonging to this State, and on or along or across any streets, roads, or highways, or across any streams of water, navigable or otherwise; *provided*, they do not obstruct the said streets, roads, or highways, streams or waters.

Laws made applicable. SEC. 2. No existing law shall be so construed as to conflict or interfere with the provisions of this Act; *provided*, that the said Benjamin Flint and Jotham S. Bixby, or their assigns, shall at all times conform to the present laws of this State concerning telegraph companies, so far as relates to the transmission of messages; and, *provided*, also, that the laws of the State now in force for the protection of telegraph lines or regulating the rights, duties, and responsibilities thereof as to the transmission of messages or the transaction of any other business, shall apply to the line constructed under the provisions of this Act.

Forfeiture. SEC. 3. The rights and privileges granted by this Act shall cease and become of no effect, unless the said Benjamin Flint and Jotham S. Bixby, or their assigns, shall have commenced the work of constructing such line within one year, and shall have completed the construction of a line of telegraph between the City of San José and the Town of San Bernardino, by the route described in section one of this Act, within three years from the date of the passage of this Act.

SEC. 4. This Act shall take effect immediately.

CHAP. CCLXXVII.—*An Act to regulate artesian wells in the County of Santa Clara.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Penalties for waste of water. SECTION 1. Any person or persons, being the owner or occupant or in possession of any parcel of land situated in the County of Santa Clara, on which there may be an artesian well, or having

in any way the use or control of the water issuing from any such well, who shall permit the water issuing from the same to flow to waste further than a quantity sufficient to purify the water for family, culinary, and laundry purposes, where any such well may be so situated as to be required especially for such uses, or who shall suffer or permit the water arising from the same to flood upon the land within the limits of any public road, street, alley, or upon public grounds, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any Court of competent jurisdiction, shall be punished by a fine not exceeding five hundred dollars; and if he shall have been previously convicted of such offence, or if he shall have been notified that the water of any such well flows to waste, or flows upon the ground of any such street, alley, or public ground, such fine shall not be less than five dollars per day for the whole period of time that any such well the water whereof has been suffered to flow to waste or to flow upon any such street, alley, lane, or public grounds; and any person, being the owner or occupant or in possession of any such well, permitting the same to flow to waste, or to flow upon the lands of any street, alley, lane, or public grounds, shall also be liable in a civil action, at the suit of any person injured or aggrieved, for any damages sustained by such person by reason of any such flow of water to waste or upon the lands of any street, alley, lane, or public grounds.

SEC. 2. Any person, being the owner or occupant or in the ~~same~~ possession of any parcel of land on which there may be an artesian well, or having the use or control of the water issuing from any such well, who shall suffer or permit the water thereof to flow upon the lands of another without the permission of the owner or occupant thereof, or who shall suffer or permit more water to flow from such artesian well or wells than is sufficient for purifying the water for family, culinary, and laundry purposes, where any such well may be so situated as to be required especially for such uses, or to be furnished to any house or to any person or persons to whom he may by contract be furnishing water from any such well or wells, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any Court of competent jurisdiction, shall be punished by a fine not exceeding five hundred dollars; and upon a second or further conviction for such offence he shall be punished by a fine not less than five dollars per day for each day, since his last conviction, that he shall have violated the provisions of this section.

SEC. 3. It is hereby made the duty of the Road Overseers in each of the respective road districts within the County of Santa Clara, to make frequent observations in reference to all the artesian wells within their respective road districts, and to report to the District Attorney of the county any and all violations of the provisions of this Act in reference to the flow of any such wells; and for any such violation that may be reported to him by the Road Overseers, or that may come to his knowledge by his own observation, or upon complaint being made and duly filed by any persons feeling themselves aggrieved, he (the District Attorney) shall institute suit against the person or persons so guilty of such misdemeanor, and prosecute the same to final judgment.

Action
against
offender.

~~Persons may use water on their own lands.~~ SEC. 4. Nothing in the provisions of this Act shall be so construed as to prevent any person or persons, being the owner or occupant, or in the possession of any parcel of land on which there may be an artesian well, from using the whole flow of any such well or wells upon their own land or possessions; provided, that the water of such well or wells is not permitted to flow to waste into any pond, slough, creek, or bay, either within or adjoining the land or possessions of the person or persons owning such well or wells.

Fines. SEC. 5. All fines collected under the provisions of this Act, after paying all costs of prosecution, shall be paid into the County Treasury for the benefit of the Public School Fund of the county.

Repeal. SEC. 6. The Act entitled an Act concerning artesian wells in Santa Clara County, approved April fifteenth, eighteen hundred and fifty-eight, and the Act entitled an Act to regulate artesian wells in the County of Santa Clara, approved April seventeenth, eighteen hundred and sixty-two, are hereby repealed.

SEC. 7. This Act shall take effect thirty days from and after its passage.

CHAP. CCLXXVIII.—*An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, passed May the twentieth, eighteen hundred and sixty-one.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of the said Act is amended so as to read as follows:

Record of debts. Section 10. The Directors shall also cause to be kept a book to be called "Record of Corporation Debts," in which the Secretary shall record all contracts of the Directors, and a succinct statement of the debts of the company, the amount thereof, and with whom made; which book shall at all times be open to the inspection of any stockholder or party in interest. When any contract or debt shall be paid or discharged, the Secretary shall make a memorandum thereof in the margin or in some convenient place in the record where the same is recorded.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CCLXXIX.—*An Act authorizing the construction of a wharf in the County of San Luis Obispo.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. T. G. Phelps, George Hearst, and A. Barstow, ~~Franchise.~~ and such others as they may associate with them, shall have the right to construct a wharf at such point on Estero Bay, or Moro Bay, in the County of San Luis Obispo, as they shall on examination deem suitable therefor.

SEC. 2. For the purposes of said wharf there is hereby ~~land.~~ granted to the parties named in section one, their associates and assigns, the right to use and occupy a strip of land three hundred feet wide, commencing at high water mark and extending into said bay or ocean until a sufficient depth of water shall be obtained for the accommodation of commerce; *provided*, the free navigation of the bay or ocean shall not be obstructed, and the franchise herein granted shall continue for the term of twenty years.

SEC. 3. The said parties shall build and erect said wharf ~~Completion.~~ within one year from the passage of this Act, and shall thereafter keep the same in good repair, and enlarge it as the business and commerce of the county may require; and they shall ~~Tolls.~~ be allowed to collect such dockage and wharfage thereon as the Board of Supervisors of the said County of San Luis Obispo may allow.

SEC. 4. This Act shall be in force from and after its passage.

CHAP. CCLXXX.—*An Act to repeal an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals upon private property, approved March fifteenth, eighteen hundred and sixty-four.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals upon private property, approved March fifteenth, eighteen hundred and sixty-four, so far as the same relates to Butte County, is hereby repealed. ~~Butte County exempted.~~

SEC. 2. This Act shall take effect immediately after its passage.

CHAP. CCLXXXI.—An Act to provide for the preservation of the Spanish archives, title papers of land claims, and records relating thereto, in the custody of the United States Surveyor-General for California.

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Duty of
Secretary
of State.

SECTION 1. It is hereby made the duty of the Secretary of State of California, by and with the consent of the Surveyor-General of the United States for California, to cause all the original Spanish title papers relating to land claims in this State, derived from the Spanish or Mexican Governments, and now on file in the archives in the custody of the said Surveyor-General, to be perpetuated and authenticated in the manner hereinafter provided.

Documents
to be
engrossed.

SEC. 2. All original grants and documents in the Spanish language, relating to the title of lands in this State, with accurate translations thereof, shall be carefully engrossed in suitable books, to be provided for that purpose.

Copy for
County
Recorder.

SEC. 3. There shall be carefully prepared a duplicate copy of said records and translations for each county in the State of all titles to land claims within the limits of said county, which copy shall be placed in the custody of the County Recorder thereof, and be and become a part of the public records of such county.

Supervision
of work.

SEC. 4. The execution of the work called for in section two of this Act shall be under the supervision of Rufus C. Hopkins, Keeper of Archives in the office of said Surveyor-General.

Translations
to be
evidence.

SEC. 5. These records shall in each case be authenticated by the said Surveyor-General, under his seal of office, and the said translations by the said Keeper of Archives, under his oath, and thereafter be made receivable as *prima facie* evidence in all the Courts in this State, with like force and effect as the originals, and without proving the execution of such originals.

Appropria-
tion.

SEC. 6. The sum of eight thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the purpose of paying the expenses of engrossing and translating the said Spanish records and translations provided for in this Act, and the Controller of State is hereby authorized and directed to draw his warrants for portions of said sum from time to time, as they shall become due, upon the certificate of said Keeper of Archives, approved by the Secretary of State, and the Treasurer of State is hereby authorized and directed to pay the same out of any money in the State Treasury not otherwise appropriated; *provided*, that the cost of engrossing shall not exceed, per folio, the charges authorized to be made by the Recorder of the County of San Francisco for a like class of work, and the cost of translation shall not exceed that now allowed for translating the State laws into Spanish.

CHAP. CCLXXXII.—An Act to amend an Act entitled an Act to create a Board of Water Commissioners in Tulare County, and to define their powers and duties, approved April fourth, eighteen hundred and sixty-four.

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Section 2. The duties of said Commissioners shall be as follows: Duties of
Water Com-
missioners.

First—They shall elect one of their number Chairman, and one as Clerk of the Board. They shall, upon petition in writing, of a majority of the owners in any water ditch, appoint the person designated in such petition as Overseer of said ditch.

Second—No ditch shall hereafter be taken out of any stream in the waters of which different persons have an interest, without leave of said Commissioners.

Third—A book shall be furnished by the Board of Supervisors of said county, in which said Commissioners shall keep a full record of all official acts of said Board, which shall be open to the inspection of any citizen, and shall be delivered over to their successors in office.

Sec. 2. Section three of said Act is hereby amended so as to read as follows:

Section 3. It shall be the duty of the Overseers to execute *Overseers.* the orders of the persons employing them.

Sec. 3. Section four of said Act is hereby amended so as to read as follows:

Section 4. The Commissioners shall each be allowed and paid compensation two dollars for each day actually employed in the discharge of the duties required by the provisions of this Act, which shall be paid to them by the parties requiring their services. The Overseer shall receive such compensation as may be agreed upon between them and the parties employing them.

Sec. 4. Section five of said Act is hereby amended so as to read as follows:

Section 5. Each Overseer shall, every three months, (each *Overseer's statement.*) counting from the date of his appointment,) make up a statement in writing of the number of days that he has been engaged in the discharge of his duties, together with the amount due him as compensation therefor, and upon the approval of the same by the President or authorized agent of the company employing him, shall apportion the same to the different members of such company, pro rata, in proportion to the interest of each therein; and thereupon shall have the right of action against each owner in the ditch for which he is Overseer for the amount so apportioned to such owner.

Sec. 5. Section six of said Act is hereby amended so as to read as follows:

Owners to make regulations. Section 6. The owners of water ditches may make such rules and regulations for the government of their several companies, not repugnant to the Constitution and laws of the State of California, as a majority of them may deem just and proper, and elect such officers for the transaction of their business as they may require; *provided*, that in all meetings of water ditch companies, each owner shall be entitled to a vote in proportion to his interest.

SEC. 6. Section seven of said Act is hereby amended so as to read as follows:

Repairs, etc., how made. Section 7. Whenever a majority in interest of the owners in any ditch company, or their authorized agent, shall deem it necessary to repair, enlarge, or extend their ditch, they shall cause a notice, either written or verbal, to be served upon each owner therein, specifying a time to commence work thereon; and any owner therein neglecting or refusing to perform his proportion of such labor or pay his proportion of the cost thereof, shall forfeit his right to [the] use of any water from such ditch until such time as he pays the same to the person or persons performing his proportion of such labor, together with ten per cent per month thereon additional. The number of hours constituting a day's labor and the value thereof shall be determined by the respective water ditch companies in the rules and regulations they may severally adopt. Leaving the notice contemplated in this section at the residence of any owner in a ditch company, with any member of his family over the age of fifteen years, shall be deemed a sufficient service. For the purpose of this Act, every person owning an interest in any water ditch, or owning any interest in the water therein, shall be considered a member of such water ditch company.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXXXIII.—*An Act to amend an Act entitled an Act to create a Board of Commissioners in the County of Tulare, to define their powers and duties, and to appropriate money for the purposes thereof, approved March fifteenth, eighteen hundred and sixty-four.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is amended so as to read as follows:

Powers of Commissioners. Section 1. A Board of Commissioners is hereby created in the County of Tulare, consisting of H. Hamilton, G. B. Cronley, and George Balaam, Senior, who shall have power and they are by this Act authorized to open the old channel of Kaweah River, and to remove all drift, trees, and beaver dams from the same, and to build such dams and bulkheads as may be necessary to confine the waters of said river to the said old channel.

SEC. 2. Section two is hereby amended so as to read as follows:

Section 2. Said Board shall have power to contract for the contracts whole or any part of the work contemplated in the preceding section, or personally superintend its execution; and all contracts connected therewith for the payment of money shall be deemed to have been made payable and shall be paid in gold and silver currency.

SEC. 3. Section three of said Act is hereby amended so as to read as follows:

Section 3. Said Commissioners shall report once in every Report, sixty days to the Board of Supervisors of Tulare County the amount of all moneys received by them by donation or otherwise, as well as the amount by them expended; and such report shall be verified by the oath or affirmation of one of their number; and upon the completion of the work authorized in section one of this Act, shall submit under oath or affirmation of the whole Board a full, true, and perfect report, accompanied with vouchers of all moneys received and expended.

SEC. 4. Section four of said Act is hereby amended so as to read as follows:

Section 4. Before entering upon the discharge of their duties Bond, each Commissioner shall execute a bond in the sum of two thousand dollars, or the three may execute a joint and several bond in the sum of six thousand dollars, with two sufficient sureties, to be approved by the County Judge of Tulare County, conditioned for the faithful disbursement of all moneys which may come into their hands, and the discharge of all duties required by this Act. Said bonds shall be made payable to the State of California, and when approved shall be filed in the office of the County Recorder of Tulare County. Actions may be maintained on said bond or bonds in the name of the people of the State of California, to and for the use and benefit of any person or persons sustaining injury by reason of any breach of conditions.

SEC. 5. Section five of said Act is hereby amended so as to read as follows:

Section 5. All moneys in the Swamp Land Fund belonging to Swamp Land District Number Six, or that may be paid into said fund hereafter on account of lands in said swamp land district, is hereby appropriated to aid in carrying into effect the provisions of section one of this Act; and upon presentation to the Controller of State a certificate of the County Judge of Tulare County, reciting the fact that said Commissioners are duly qualified to enter upon the discharge of their duties, together with a requisition signed by said Commissioners, the Controller is hereby authorized and required to draw his warrants on the Treasurer of State in favor of said Commissioners, payable out of the Swamp Land Fund from any money therein belonging to Swamp Land District Number Six, and the Treasurer is hereby authorized and required to pay the same.

SEC. 6. Amend by striking out section six of said Act.

SEC. 7. Section seven is hereby amended so as to read as follows:

Vacancy. Section 7. Should any vacancy or vacancies occur in said Board of Commissioners, the Board of Supervisors of Tulare County may fill the same by appointment on the recommendation of the remaining Commissioner or Commissioners, and such new Commissioner or Commissioners shall qualify, as provided in section four of this Act.

Suit. SEC. 8. Section eight is hereby amended so as to read as follows:

Section 8. Said Commissioners may sue and be sued in their capacity of Commissioners as though they were a corporate body, and all judgments against or in their behalf shall be liquidated in gold and silver currency.

SEC. 9. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed so far as they relate to Tulare County.

SEC. 10. This Act shall be in force from and after its passage.

CHAP. CCLXXXIV.—*An Act to provide a Keeper of the Public Jail in the County of Amador.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Jailor and assistant. SECTION 1. The Sheriff in and for the County of Amador is hereby authorized and empowered to appoint a Keeper of the County Jail in said county, and when in the judgment of said Sheriff the better security and safe keeping of the prisoners confined in said jail require, he shall have power to appoint an Assistant Jailer.

Compensation. SEC. 2. The compensation of said Jail Keeper shall not exceed the sum of four dollars per day, and of said Assistant Jailer the sum of two dollars and fifty cents per day.

SEC. 3. The compensation of said Jail Keeper and assistant shall be a county charge, and shall be paid out of the County Treasury as other current expenses of said county are paid.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXXXV.—*An Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is amended so as to read as follows:

Section 2. Any married woman may dispose of all her separate estate by will, absolutely, without the consent of her husband, either express or implied, and may alter or revoke the same in like manner as a person under no disability may do; her said will to be attested, witnessed, and proven in like manner as all other wills. Separate property of married woman.

CHAP. CCLXXXVI.—*An Act to authorize the City of Stockton to re-issue bonds.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The City of Stockton is hereby authorized to re-issue the bonds outstanding against the city which became due July first, eighteen hundred and sixty-five, the same being a part of the bonds issued by virtue of an Act entitled an Act to authorize the funding of the outstanding Stockton scrip, approved March thirty-first, eighteen hundred and fifty-five, and amounting to thirty-two thousand and two hundred dollars; and for this purpose the Mayor, President of the Common Council, and City Clerk of said city are hereby constituted and shall be known as Commissioners for the re-issuance of said bonds, with the powers hereinafter enumerated. Re-issue of bonds.

SEC. 2. The said Commissioners shall have power to re-issue, on the part of said city, the bonds aforementioned or any part thereof to the amount of thirty-two thousand and two hundred dollars; *provided*, the original bonds have been surrendered to the said Commissioners, or obligated to be surrendered; said bonds shall be in such form as said Commissioners shall prescribe, and shall be signed by each of said Commissioners, and each and every bond to purport as follows: that the City of Stockton owes to the holder thereof a sum to be expressed therein, (not less, however, than one hundred dollars) bearing an interest of ten per cent per annum; the said interest to be payable on the first Monday of July, eighteen hundred and sixty-six, and semi-annually thereafter, upon coupons signed by each of said Commissioners and annexed to such bonds.

SEC. 3. It shall be the duty of said Commissioners to furnish the City Treasurer, at the time of revising the city assessments, a statement of the amount of the bonds issued by virtue of this Act, and of the amount of interest annually accruing on the same; and it shall be the duty of the Common Council, in completing their assessment list, to include the amount of said interest, with other sums now authorized by law to be raised thereon. Statement for Treasurer

SEC. 4. Of the moneys received by the City Treasurer, arising out of the taxes annually assessed and collected under the provisions of this Act, there shall be set apart and exclusively appropriated an amount sufficient to meet the interest due on such bonds. Interest.

SEC. 5. It shall be the duty of the City Treasurer to pay the interest on the bonds re-issued by the Commissioners as it shall become due and upon presentation of the coupons to him for payment.

SEC. 6. This Act shall take effect from and after its passage; and all laws and parts of laws, so far as they are inconsistent with or a repetition of the provisions of this Act, are hereby repealed.

CHAP. CCLXXXVII.—*An Act concerning Roads and Highways in the County of Siskiyou.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Road Districts.

SECTION 1. Each township in Siskiyou County shall constitute one or more road districts, subject to such changes and alterations from time to time as the Board of Supervisors may direct. In creating new road districts they shall be liable for their proportion of all indebtedness existing against said district at the formation of said new districts; the property tax of said districts being applied to the liquidation of said indebtedness the same as if there had been no division, until the whole indebtedness shall have been paid.

Overseer.

SEC. 2. Each road district shall have one Road Overseer. The Road Overseers for the several districts in said county, who were elected at the general election for the year eighteen hundred and sixty-five, shall hold their offices until their successors are elected and qualified; and Road Overseers for the several road districts shall be elected at the general election for the year eighteen hundred and sixty-seven, and every two years thereafter; such Road Overseers shall hold their offices for the term of two years, from and after the first Monday in November next after their election; and whenever the office of Road Overseer for any road district shall become vacant, the Board of Supervisors shall appoint a Road Overseer to fill such vacancy, who shall hold his office until his successor is elected and qualified.

Bond.

SEC. 3. Any person elected or appointed Road Overseer, before entering on the duties of his office shall take and subscribe the usual oath of office, and shall execute a bond to the people of the State of California, with two or more sufficient sureties in a sum double the probable amount of road moneys that will come into his hands, to be fixed upon by the Board of Supervisors, which said bond shall be approved by said Board, and shall be conditioned on the faithful performance of the duties of the office and the payment into the County Treasury of such moneys as he shall be required to do by the provisions of this Act.

Labor, and levy of tax.

SEC. 4. All able bodied male persons between the ages of eighteen and sixty years shall be bound and liable to perform each year on the roads and highways of their respective districts

two days' labor, and any person so liable and failing or refusing to perform the labor, shall pay the sum of four dollars for the use and benefit of the Road Fund of the district where such labor was due. And the Board of Supervisors shall have power to levy a property tax of not less than five nor more than sixty cents on each one hundred dollars value of taxable property in the county, for road purposes. The property tax for road purposes shall be assessed by the County Assessor, and collected and paid into the County Treasury by the County Collector, at the same time and in the same manner as other county and State taxes; *provided*, that when any person shall perform more than two days' labor on the highways in any one year, as required by this Act, the Road Overseer of the district in which such labor shall be performed shall receipt to such person for the extra amount of labor so performed, and said receipt shall be good and receivable for road dues for the year next ensuing.

SEC. 5. It shall be the duty of the Collector to keep a separate account of the road tax collected in each road district, and of the Treasurer to keep the moneys so collected in the several road districts in separate funds. These funds of the several road districts shall be under the control of the Board of Supervisors, who may disburse the same for the construction of bridges, the opening or improvement of roads of general interest and value to the county, or may in their discretion transfer them to the Road Overseers, to be expended by them in the improvement of the roads—each fund in the district where it was collected. The Board of Supervisors shall draw money from the Road Funds by drawing their order on the Treasurer, and said orders shall specify the fund from which they are to be paid.

SEC. 6. The Road Overseers shall warn and require all persons in their respective districts who by this Act are liable to road duty, to perform two days' labor on the roads and highways of the district; and they shall notify such persons of the time when and the place where such service will be required, and shall superintend and direct their labor; and the Overseers shall cause all the roads and highways of their respective districts to be kept clear of obstructions and in good repair; shall cause banks to be graded, bridges and causeways to be made, and the same to be kept in good condition for the accommodation of travel; and shall cause guide boards to be erected at the intersection of roads, where the convenience of the travelling public may require the same, and shall have power to contract for labor and materials necessary and proper for accomplishing these objects; *provided*, that said Road Overseers shall not contract any debt or debts which, singly or in the aggregate, shall exceed the sum of one hundred dollars in any one district, unless they are authorized by the Board of Supervisors so to do.

SEC. 7. To enforce the collection of the road tax due from any person who on the requirement of the Overseer shall have neglected or refused to perform two days' labor on the highways, the Overseers may seize so much of any and every species of property, right, possession, or claim whatever belonging to such person so refusing or neglecting to pay such road tax as will be sufficient to pay the same and costs of seizure, and may sell the

Road funds
and disposi-
tion of money

Duties of
Overseers.

Sale of prop-
erty for tax.

same at any time and place on giving verbal notice one hour previous to such sale; and any person indebted to another liable to road tax, who shall neglect or refuse to pay the same, shall be liable for the tax of such other person, after service on him by the Overseer of a notice stating the name of the person so liable and owing road tax, and may deduct the amount thereof from such indebtedness. The Overseer, after deducting the tax for which such property was sold and the necessary fees and costs of sale, shall return the surplus, if any, to the owner of the property. A delivery of the possession of the property by the Overseer to any purchaser at any such sale, shall be a sufficient title in the purchaser without the execution of a deed therefor by the Overseer.

Road poll tax receipts.

SEC. 8. The Board of Supervisors shall cause proper blank receipts for road taxes to be printed, and shall require the Clerk of the Board to sign a number equal to the probable number of persons in the county liable to do work on the roads, and to issue the same to the Overseers of the road districts of the county; and the Clerk of the Board shall charge to the Overseers, in a book kept for that purpose, the receipts, which he shall deliver to them respectively; and when any person shall perform two days' labor on the highways, or in lieu thereof shall pay the sum of four dollars, the Road Overseer of the district shall deliver to him a road tax receipt, with the blanks properly filled.

Accounts and statements of Overseers.

SEC. 9. On the first Monday of November in each year, the Road Overseers shall file their accounts, duly verified, with the Clerk of the Board of Supervisors for settlement. Said accounts shall contain a list of the names of all persons in the respective districts liable to perform service on the roads, the names of the persons who have performed such service, and those who in lieu thereof have paid the sum of four dollars in cash; they shall also contain a statement of the sums of money paid out and to whom, and each Overseer shall state in his account the number of days he has spent in the discharge of the duties of his office, and all moneys still remaining in his hands, after deducting his per diem, he shall pay into the County Treasury, and take the receipt of the Treasurer for the same; and he shall file, together with his accounts, all receipts which he may have received from the Treasurer for money paid into the Treasury, and also all road tax receipts which remain in his hands unsold; and the Board of Supervisors shall examine the accounts of the Road Overseers, and finding them to be correct, and that the persons who have paid road taxes, together with the tax receipts returned, are equal to the whole number of receipts issued to them respectively, shall order the Clerk of the Board to balance their accounts.

Road Fund.

SEC. 10. When any Road Overseer shall pay any money into the County Treasury, it shall be the duty of the Treasurer to place it in the fund of the district of which the person so paying it is Overseer; and the Treasurer shall pay money out of the Road Funds on orders drawn by the Board of Supervisors.

Compensa-
tion.

SEC. 11. Road Overseers shall receive such compensation for their services on the roads as the Board of Supervisors may direct, not to exceed four dollars per day, and for collecting the

road tax from persons who refuse or fail to work on the roads, the same percentage that Assessors receive for collecting poll tax; *provided*, that the time occupied in collecting said road tax shall not in any manner be construed as time spent in actual and necessary work on roads, and the Board of Supervisors may draw their order on the Treasurer in favor of any Overseer who may have a balance due him on settlement, for the amount of such balance, payable out of the fund of the district of which such person is Overseer. Any Overseer failing, refusing, or neglecting to perform any of the duties prescribed by this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof before any Justice of the Peace in the county, shall be fined in any sum not exceeding two hundred dollars, for which fine his official bond shall be liable, and when collected shall be paid into the County Treasury, and placed in the Road Fund of his district.

Neglect of
duty, and
penalty.

SEC. 12. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 13. This Act shall be in force from and after its passage.

CHAP. CCLXXXVIII.—*An Act to amend an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is amended to read as follows:

Section 4. The Board of Supervisors shall hold a regular meeting on the first Monday in each month, and may adjourn from day to day or from time to time, and may hold special meetings upon the call of the President or of any two members. Each Supervisor shall receive seven dollars per day for each day he actually attends the meetings of the Board, and ten cents for each mile actually travelled in going to or from the county seat; *provided*, that no Supervisor shall receive per diem for more than six (6) days nor more than five dollars mileage in any one month; and, *provided*, further, that no Supervisor shall receive any pay or compensation whatever other than is provided in this section, excepting when he is sitting as a member of the Board of Equalization, for which he shall receive one mileage and the per diem allowed by this section; *provided*, further, however, that if the Board of Supervisors and the Board of Equalization are both in session the same day, but one per diem or mileage shall be allowed. Every session of the Board shall be public; all elections or appointments shall be made ~~elections~~ ^{Meetings,} and pay of Supervisors. *viva voce*; the ayes and noes shall be taken and recorded upon

any question pending, upon the demand of one member; and all records of their proceedings, and all the books, papers, and documents belonging to their office shall be open to public inspection during office hours.

SEC. 2. This Act shall take effect immediately.

CHAP. CCLXXXIX.—*An Act for the better protection of stock raisers in the Counties of Fresno, Tulare, Monterey, and Mariposa.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Hides to be kept.

SECTION 1. All persons slaughtering horned cattle, shall keep the hides of all cattle slaughtered by them, with the ears attached, for fifteen days; and it shall be the duty of all persons having such hides in their possession to exhibit the same for examination on demand being made by any person for that purpose.

Record of slaughtered animals.

SEC. 2. It shall be the duty of all persons slaughtering cattle, hogs, and other animals, to keep a true record of all such animals slaughtered by them, of marks, brands, and date of slaughtering, of whom such animals were purchased, and date of purchase, in a book to be kept for that purpose; and shall also enter in said book a copy of the bill of sale received by him from the person or persons who sold said cattle, and shall exhibit the same to any person requesting an examination of such book. All persons slaughtering any number of animals whatsoever, shall be considered within the meaning of the provisions of this Act.

Branding calves.

SEC. 3. It shall not be lawful for any person or persons to mark and brand any calves or cattle, except such calves as are following their mothers, or have been previously marked, at other times than the general spring and fall rodeos; and the unlawful marking, branding, and butchering calves, shall be considered within the meaning of the provisions of this Act.

Penalty.

SEC. 4. Any person failing or refusing to comply with the provisions of this Act shall be deemed guilty of a misdemeanor, and on conviction thereof before a Justice of the Peace or other Court having competent jurisdiction over misdemeanors, shall for each offence be punished by fine in a sum not less than fifty nor more than five hundred dollars, or by imprisonment in the County Jail not less than thirty nor more than one hundred and eighty days, or by both such fine and imprisonment.

Reward for informant.

SEC. 5. It shall be lawful for any person cognizant of or otherwise knowing of the fact of the violation of this Act, to enter a complaint before a Justice of the Peace or a grand jury, and if conviction be made, such informant shall receive one half of the fine when collected, and the remainder paid to the County Treasurer, to be placed by him in the County School Fund.

SEC. 6. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAP. CCXC.—*An Act to amend an Act entitled an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine is hereby amended so as to read as follows:

Section 9. Any Constable refusing or neglecting to pay to the owner or the County Treasurer the surplus moneys derived from such sale shall be liable for the same on his official bond, and shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCXCI.—*An Act to authorize J. Q. A. Tilton and others to construct and maintain a turnpike road, from the point where the main county road crosses the San Mateo Creek, to Half Moon Bay, and to charge and collect tolls for travel thereon.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. J. Q. A. Tilton, A. F. Green, Calvin Franchise, Murry, S. H. Bowman, H. L. Mattingly, and Lindon Wilsey, of San Mateo County, and their associates and assigns, are hereby authorized to construct and maintain a turnpike and toll road from the point where the main county road crosses the San Mateo Creek, following as nearly as possible the present road generally known as the "Crystal Spring Road," and then by the most direct and feasible route, to be ascertained by survey of competent engineers, to some point near Spanishtown, Half Moon Bay; provided, that nothing in this Act shall have effect to authorize the erection of toll gates upon or the obstruction in any manner of the above mentioned Crystal Spring Road, or the collection of tolls for the use of any portion of such road, within two miles of the before mentioned intersection with the main county road at its crossing with the San Mateo Creek.

SEC. 2. The said J. Q. A. Tilton, and the others named in section first of this Act, and their associates and assigns, shall have full power to build and maintain a toll and turnpike road from the county bridge before mentioned, to the said terminus, near Spanishtown, Half Moon Bay, by the route so as aforesaid designated and to be surveyed and ascertained, and to have and enjoy all the rights, privileges, and immunities thereto belonging or in any wise appertaining, and shall have and maintain a right and property in and over said road, which is hereby ceded and granted to them, together with all powers and privileges in this Act mentioned, for the term of twenty years from the passage of this Act. The aforesaid rights and privileges are granted by the State of California upon the express condition that within one year from the passage of this Act the said above named persons, and their associates and assigns, shall cause the entire route of the said road to be surveyed by competent engineers, and definitely establish the said route, and shall expend at least five thousand dollars in the actual construction of said road, exclusive of the cost of survey, and within two years complete the said turnpike road; and it is further *provided*, that the said above named persons, and their associates and assigns, may at any time before the commencement of the said road, incorporate themselves under the general laws of the State regulating corporations for such purposes, under the name of the "San Mateo and Half Moon Bay Turnpike Road Company," with such capital stock as they may deem necessary for the construction and maintenance of said road, and may transfer to said incorporation all the rights and privileges, franchises and immunities, hereby granted.

Taking and use of property.

SEC. 3. The same rights as those now extended by the laws of this State to plank and turnpike road companies, in relation to the taking of property for the use of plank and turnpike roads, are hereby extended to the said persons named in the first section of this Act, and their associates and assigns, and the damage to be paid in the same manner as provided in the law for the formation of said plank and turnpike road companies.

Construction

SEC. 4. The said turnpike road shall be constructed of sufficient solidity to admit of the passage of heavy freight and lumber teams, and shall be kept at all seasons in condition for travel thereon by the same, and of sufficient width to allow said wagons or teams to pass each other when meeting on said road in any part thereof; and that portion of the road now called the "Crystal Spring Road," shall be at least twenty-one feet in width, and it shall be thoroughly macadamized with broken stone, or gravel, of sufficient depth to insure a first class road for heavy teams, from its entrance, at the San Mateo bridge, to its terminus, near the Crystal Spring Hotel.

Tolls.

SEC. 5. Upon the completion of said road, the said turnpike road company shall report to the Board of Supervisors of San Mateo County the number and location of toll gates erected, the amount of money expended in the location and construction of the said road, and toll gates, separately stated, duly verified by affidavit; and thereupon the Board of Supervisors shall, from time to time, establish the rates of toll to be collected upon the said road; *provided*, said rates shall not be reduced so as to pro-

duce a less income than fifteen per cent per annum upon the cost of constructing said road and toll gates over and above the expenses of collecting and keeping said road in repair. After the first five years, the Board of Supervisors shall have the power of reducing the tolls so that the net income may not exceed twelve per cent per annum for the following five years, and thereafter they may still further reduce it to ten per cent per annum; *provided*, also, that the said company is hereby authorized and empowered to collect pro rata tolls on said road when one half the distance shall be completed, and said Board shall fix said pro rata tolls accordingly.

Sec. 6. Said company, in addition to the powers hereinbefore granted, shall have all the right to enter upon and occupy private lands necessary to the location of said road, or use any earth, rock, gravel, or other materials necessary to the construction and repair thereof, which are conferred upon railroad companies by an Act for the incorporation of railroad companies, approved May twentieth, eighteen hundred and sixty-one, and the several Acts amendatory thereof.

Sec. 7. At any time after the lapse of five years after the completion of said road, if the County or the Township of San Mateo and Half Moon Bay Township shall elect to purchase that portion of the road now known as the "Crystal Spring Road," or if after the lapse of ten years, the county or the two townships shall elect to purchase the whole of the said road, the said turnpike road company shall be bound to sell to the county or to the townships jointly the aforesaid portion or the whole of the said road upon the payment to the said company, in United States gold coin, of the original cost of the construction of the said turnpike road and its necessary appurtenances, together with five per cent interest per annum in addition to the cost of construction.

Sec. 8. The Act of May twelfth, eighteen hundred and fifty-three, authorizing the formation of corporations for the construction of turnpike and plank roads, is hereby extended and made applicable to the corporations formed in pursuance of the present Act, so far as the provisions of the former do not conflict with the provisions of the latter.

Sec. 9. This Act shall take effect from and after its passage.

*Use and
occupation
of property.*

*Right to
purchase
reserved.*

CHAP. CCXCII.—*An Act in relation to the fees of office of District Attorney of the Counties of Lake, Napa, Santa Barbara, and San Joaquin.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The provisions of an Act entitled an Act regulating the apportionment of fees of office in civil cases between District Attorneys and their successors, passed February twenty-seventh,

*Temporary
exemption.*

one thousand eight hundred and sixty-six, shall not take effect or be in force in the said Counties of Lake, Napa, Santa Barbara, and San Joaquin until the first day of January, eighteen hundred and sixty-eight.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCXCIII.—*An Act to amend an Act entitled an Act to provide for the payment of the debt of Santa Cruz County, approved April twenty-fourth, eighteen hundred and fifty-seven.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of said Act is amended so as to read as follows:

Percentage. Section 7. The Collector of Taxes shall be allowed three per cent and no more for collecting, and the County Treasurer shall be allowed three per cent and no more for receiving and disbursing all moneys collected under this Act, and when the indebtedness of said county (the payment of which is provided for in this Act) shall have been paid, all moneys in the Sinking Fund created by this Act shall be transferred by the County Treasurer to the General Fund; and thereafter the tax authorized to be levied and collected under this Act shall be levied and collected from year to year, as in this Act provided, and shall be paid into the County Treasury, and applied to the payment of the current expenses of the county.

Transfer of funds.

SEC. 2. This Act shall take effect immediately.

CHAP. CCXCIV.—*An Act to amend an Act entitled an Act to promote the study of anatomy.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is hereby amended so as to read as follows:

Physician to give bond. Section 4. Every physician shall, before receiving such dead body, give to the Board or officer surrendering the same to him a certificate from the medical society of the county in which he resides, or if there shall be none, from the Board of Supervisors of the same, that he is a fit person to receive such body; he shall also give a bond, with two sureties, that each body so by him received shall be used only for the promotion of anatomical science, and that it shall be used for such purpose within the

State only, and so in no event to outrage the public feeling, and that after having been so used the remains thereof shall be properly buried in some public cemetery, and the usual record made of name and burial, at the expense of the physician being in possession of said body.

Sec. 2. This Act shall take effect immediately, and all Acts or parts of Acts in conflict therewith are hereby repealed.

CHAP. CCXCV.—*An Act to amend an Act entitled an Act to extend an Act to prevent stallions running at large in the County of Sacramento, approved March twenty-eighth, one thousand eight hundred and fifty-nine.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of said Act is hereby amended so as to read as follows:

Section 1. An Act to prevent stallions from running at large in the County of Sacramento, approved March twenty-eighth, one thousand eight hundred and fifty-nine, is hereby extended to and made applicable to the Counties of Sutter, Alameda, Yuba, El Dorado, Placer, Santa Cruz, Calaveras, Amador, Santa Clara, Mariposa, Merced, Yolo, Stanislaus, Butte, and Mendocino; *provided*, that no stallion under the age of twelve months shall be taken up under the provisions of this Act.

Sec. 2. Section four of said Act is amended so as to read as follows:

Section 4. Should the owner or owners of such animals be unknown, then in that case it shall be the duty of the person in whose possession the animal may be to forthwith give notice, with a description of the animal, its marks or brands, in some paper published in the county, for three successive weeks, or by posting notices in at least three conspicuous places for the same length of time, one of which notices shall be at the Court House door of the county, calling upon the owner or owners to come forward and claim his or their property; and if at the expiration of one month thereafter no such owner or owners shall appear, then it shall be the duty of the person having possession of such animal to deliver the same to the Constable of the proper township, whose duty it shall be to publicly dispose of the same to the highest bidder, and after paying all expenses necessarily connected with such animal, to pay the remainder into the County Treasury, to be credited to the County School Fund; *provided*, however, that should the owner or owners make claim to such property previous to sale being made, nothing in this Act shall be so construed as to exempt from all expense incurred or from the penalties imposed therein.

Sec. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCXCVI.—An Act to amend an Act entitled an Act amendatory of an Act entitled an Act providing for the time of holding the several Courts of Record in this State, passed April twenty-seventh, eighteen hundred and sixty-three, approved March twenty-fourth, eighteen hundred and sixty-four.

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Section 2. There shall be held in the counties comprising the Third Judicial District, terms of said Court as follows:

In the County of Monterey, on the first Monday of April and October;

In the County of Santa Cruz, on the second Monday of April, August, and December;

In the County of Santa Clara, on the second Monday of January, May, and September;

In the County of Alameda, on the third Monday of February, June, and October.

All Acts contrary hereto are hereby repealed. This Act shall take effect from and after its passage.

Terms of Court.

CHAP. CCXCVII.—An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and all Acts amendatory thereof and supplementary thereto.

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and four of said Act is hereby amended so as to read as follows:

Section 104. When any petition shall be filed in the Probate Court praying for the admission to probate of any will, or for the granting of letters testamentary or of administration, or when proceedings have been commenced and are pending in the Probate Court in relation to the settlement of an estate, and the presiding Judge of said Court shall be disqualified to act from any of the causes mentioned in the preceding section, or from any cause whatever, it shall be the duty of such Judge, either upon his own motion or on the motion of any person interested in the estate, to make an order transferring the proceeding to the Probate Court of an adjoining county; and the Clerk of the Court ordering the transfer shall transmit to the Clerk of the Court to which the proceeding is transferred a certified copy of the order, and also all the papers on file in his

Judge being disqualified, proceedings to be transferred.

office in said proceeding; and thereafter the Probate Court to which the said proceeding shall have been transferred shall be clothed with the same authority and jurisdiction over the estate and all matters relating to the administration thereof, as if the proceeding had been originally commenced therein; *provided*, that the transfer of a proceeding from one Court to another, as provided for in this section, shall not affect the right of any person to letters testamentary or of administration on the estate transferred, but the same persons shall be entitled to letters testamentary or of administration on the estate in the same order in which they would have been entitled had the proceeding not have been transferred; and, *provided*, further, that if *Proviso.* before administration shall be closed of any estate which shall have been transferred from one county to another by reason of the disqualification of the Judge as aforesaid, another person shall have been elected or appointed and qualified as Probate Judge of the county wherein such proceeding was originally commenced, and such Judge is not disqualified to act in the settlement of the estate, and the causes for which the proceeding was transferred no longer exist, any person interested in the estate may have the proceeding removed back to the Court from which it was originally transferred, and for such purpose may file a petition setting forth the facts, and move the Court to transfer the proceeding back to the Court where it was originally commenced; and if it shall satisfactorily appear to the Court that the causes for which the proceeding was transferred no longer exist, and that the Probate Judge of the county where the proceeding was originally commenced is not disqualified to act in the matter of said estate at the time such motion is made, and that the convenience of parties interested would be promoted by such change, the Judge shall make an order transferring the proceeding back to the Probate Court where it was originally commenced; and the Clerk of the Court ordering the transfer shall transmit to the Clerk of the Court in which the proceeding was originally commenced a certified copy of the order, and also all the original papers on file in his office in said proceeding; and the Court where the proceeding was originally commenced shall thereafter have jurisdiction and power to make all necessary orders and decrees to close up the business of the administration of the estate.

Sec. 2. Section two hundred and fifty-eight of said Act is amended so as to read as follows:

Section 258. Upon the final settlement of the accounts of the executor or administrator, or at any subsequent time, upon the application of the executor or administrator, or of any heir, legatee, or devisee, the Court shall proceed to distribute the residue of the estate, if any, among the persons who by law are entitled thereto; and if the testator or intestate shall have left him or her surviving several children, or one child and the issue of one or more other children, and if any one of such surviving children shall before the close of administration have died while under age and not having been married, no administration on such deceased child's estate shall be necessary, but all the estate

*Distribution
of estate.*

which, come to the deceased child by inheritance from such deceased parents shall without administration be distributed to the other heirs as prescribed by law. A statement of the receipts and disbursements of the executor or administrator since the rendition of his final account, shall be reported and filed at the time of making such distribution, unless distribution of the real estate only be made, and a settlement thereof together with an estimate of the expenses of closing the estate shall be made by the Court, and shall be included in the decree; or the Court or Judge may order notice of the settlement of such supplementary account, and may refer the same as in other cases of the settlement of accounts.

SEC. 3. This Act shall take effect and be in force from and after its passage; and all Acts and parts of Acts in conflict with this Act are hereby repealed.

CHAP. CCXCVIII.—*An Act to confirm a certain contract for the sale of stock held by the County of Santa Clara in the San Francisco and San José Railroad Company, and to give effect to the same.*

[Approved March 20, 1866.]

Preamble.

WHEREAS, A certain contract or agreement was made and entered into on the fourth day of March, A. D. eighteen hundred and sixty-five, purporting to be between the County of Santa Clara of the first part, and Charles B. Polhemus, Peter Donahue, and Henry M. Newhall of the second part, for the sale in the manner and upon the conditions therein mentioned of two thousand shares of the capital stock of the San Francisco and San José Railroad Company held by said county, which agreement is signed and executed by Peter Donahue, by John T. Doyle as his attorney in fact, and C. B. Polhemus, and H. M. Newhall, parties of the first part, and Charles W. Pomeroy, County Treasurer of Santa Clara County, for and on behalf of said county; and whereas, also, a certain order of the Board of Supervisors of the said County of Santa Clara, reciting and confirming said agreement, and containing certain other provisions, was thereupon and on the same day made and entered; and whereas, said Charles B. Polhemus, Peter Donahue, and Henry M. Newhall did on the eighth day of February, A. D. eighteen hundred and sixty-five, make, execute, and deliver to the Clerk of said Board of Supervisors their certain bond, conditioned for the faithful performance of any such contract of sale on their part; therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Confirmation.

SECTION 1. That the agreement and sale of stock made on the fourth day of March, in the year of Our Lord one thousand eight hundred and sixty-five, by and between the County of Santa Clara, in the State of California, party of the first part,

and Henry M. Newhall, Peter Donahue, and Charles B. Polhemus, of the City and County of San Francisco, in said State, of the second part, and executed and signed by Charles W. Pomeroy, County Treasurer of Santa Clara County, for the County of Santa Clara, party of the first part, and by Peter Donahue by his attorney in fact, John T. Doyle, and C. B. Polhemus, and H. M. Newhall, parties of the second part, in the foregoing preamble referred to, in the manner and upon the conditions in said agreement specified, and the said order of said Board of Supervisors made and entered on the minutes of said Board, on the fourth day of March, eighteen hundred and sixty-five, at a special meeting of said Board of Supervisors; and the said bond of said Polhemus, Donahue, and Newhall be and the same are in all things ratified and confirmed, and declared valid and binding between the parties thereto.

SEC. 2. If the payments provided for in said contract and bond shall not be made at the time and times therein expressed, said Board of Supervisors may cause action or actions to be instituted for the recovery of such sum so remaining due by the terms of said contract and bond, and may also institute action or actions for the breach of said bond; and in any such action the Court having jurisdiction of the same and in which such action may be pending shall have the power to compel specific performance of said contract and agreement according to its terms, and may render any judgment, order, or decree in the premises that shall be necessary to carry the said agreement into effect in favor of or against either of the parties.

Action may
be Instituted
by County.

SEC. 3. Notwithstanding the said sale of stock referred to in ~~same~~, the foregoing preamble, said Board of Supervisors may (if they deem the same advisable) cause any or all action or actions to be instituted in the name of said county against said company, or any officer or officers thereof, or against any other person or persons, in the same manner, with the like effect as though said county was yet a stockholder in said company, for the purpose of asserting or protecting any right or interest that said county has or may have had in said company or in the stock thereof.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCXCIX.—*An Act to fix the amount of the salary of the County Judge of the County of San Joaquin.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the expiration of the term of the ~~salary~~ present incumbent, the salary of the County Judge of the County of San Joaquin shall be two thousand dollars per annum.

SEC. 2. All Acts so far as they are inconsistent with this Act are hereby repealed.

CHAP. CCC.—An Act for the relief of M. C. Bateman.

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority to make appropriation. SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby empowered to allow and order paid out of the General Fund to M. C. Bateman, the sum of fifteen hundred dollars, or so much thereof as they deem just and equitable, to indemnify said Bateman for loss sustained in the support of inmates of the City and County Hospital of said city during the flood of eighteen hundred and sixty-two.

SEC. 2. The Auditor of said city and county is hereby directed to audit and the Treasurer thereof to pay such sum as may be allowed under the provisions of the preceding section.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCI.—An Act concerning marks and brands in the County of Siskiyou.

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Marks and brands.

SECTION 1. Every person being the owner of horses, mules, cattle, sheep, goats, or hogs, in the County of Siskiyou, shall keep a mark, brand, and counterbrand, different from the marks, brands, and counterbrands of his neighbors, and as far as practicable, different from any other in the State, and the mark different from any other in the county; *provided*, that nothing in this section shall apply to such brands or marks as are now recorded in accordance with law.

Record thereof.

SEC. 2. Every such owner shall record with the Recorder of said county his mark, brand, and counterbrand, by delivering to said Recorder his mark cut upon a piece of leather, and his brand and counterbrand burnt upon it; and the same shall be kept in the Recorder's office, and shall be considered as evidence in any Court of law. The Recorder shall likewise enter in a book, to be kept by him for that purpose, a copy of said mark, brands, and counterbrands; *provided*, that such Recorder shall be satisfied that such mark, brand, and counterbrand tendered to him for record is unlike any other mark, brand, or counterbrand in the county, or as far as his knowledge extends is different from any other in the State. For recording the mark, brand, and counterbrand, the Recorder shall receive fifty cents.

SEC. 3. No mark, brand, or counterbrand shall be considered as lawful if not recorded as specified in this Act.

Branding.

SEC. 4. Every person shall mark or brand his horses and mules before they are twelve months old, and cattle before six

months old, on any part of the body; and mark or brand his sheep, goats, and hogs before they are four months old.

SEC. 5. On the trial of any action to recover the possession of any animal which is marked or branded as provided in this Act, the mark or brand shall be deemed evidence that the animal belongs to the owner or owners of the mark or brand, and that he, she, or they were entitled to the possession of the said animal at the commencement of the action; and a certified copy of said mark, brand, or counterbrand, made by the Recorder, with the seal of his office affixed thereto, shall be deemed evidence, on the trial of any action in a Court of competent jurisdiction, as to the ownership of all animals legally marked or branded as provided for in section one of this Act.

SEC. 6. Any person or persons selling cattle which are not intended for slaughter, or any horses, mares, mules, jacks, or jennies, shall be required to counterbrand them upon any part of the body, as provided in section one of this Act, or give a written descriptive bill of sale of the same. All persons slaughtering cattle shall keep, at the place of slaughter a book, in which they shall enter daily the number and class of cattle slaughtered, the name of the person or persons from whom such cattle were received or purchased, the marks or brands of such cattle, and whether counterbranded or not, and a description of such counterbrands; and if not counterbranded, such person or persons slaughtering such cattle shall enter in the book herein mentioned a copy of the bill of sale received by him from the person or persons who sold him such cattle. Such book shall be kept ready at all times for the inspection of any person interested who may desire to examine the same.

SEC. 7. Any person or persons who shall at any time kill or slaughter any cattle, either for their own use and consumption or for sale, shall retain in their possession the hide or hides taken off such cattle, with the ears attached thereto, without any alteration of the marks on the same, or any disfiguration of the marks, brands, or counterbrands, for a period of twenty days; provided, that no person or persons shall slaughter any veal or calf until the same shall have been branded for at least thirty days.

SEC. 8. Any owner or owners of cattle may within the period of time mentioned in section seven of this Act, demand an exhibit of the hide or hides of any cattle so killed or slaughtered by the person so killing the same, or by any other person for whose use and benefit said animal or animals were killed or slaughtered.

SEC. 9. Any person or persons purchasing any hide or hides, with the brand, brands, or counterbrands disfigured or cut out, shall, on conviction in any Court of competent jurisdiction, be fined in any sum not less than five nor more than twenty-five dollars for each hide so purchased.

SEC. 10. Any person or persons guilty of violating any of the provisions of sections six, seven, and eight of this Act, shall, on conviction in any Court of competent jurisdiction, be fined in any sum not exceeding one hundred dollars, and for the second offence not less than fifty nor more than two hundred dollars; and in default of the payment of such fine, shall be imprisoned

Brand shall
be evidence
of ownership

Counter-
brands.

Slaughter-
house record

Hides to be
kept.

Hides to be
exhibited.

Purchase of
disfigured
hides.

Reward of informant. in the County Jail until such fine be paid. One half of all fines collected under this Act to go to the informant, the remainder to be paid to the County Treasurer to be placed in the General Fund of the county. In all proceedings under this Act conviction shall carry with it costs in the same manner as all other cases for misdemeanor.

SEC. 11. All Acts and parts of Acts inconsistent with so far as they are in conflict with the provisions of this Act are hereby repealed.

SEC. 12. This Act shall take effect on and after the first day of May, one thousand eight hundred and sixty-six.

CHAP. CCCII.—*An Act to establish Pounds in the County of San Mateo.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Pounds. SECTION 1. The Boards of Trustees of the different townships of the County of San Mateo may from time to time establish one or more pounds in each of their respective townships, and they may change or abolish the same.

Pound Keeper. SEC. 2. Said Boards of Trustees shall appoint a Pound Keeper for each pound established by them, and he shall hold his office for the term of one year and until his successor is appointed and qualified. If the Pound Keeper shall fail or refuse to qualify or to act, or if a vacancy shall at any time occur from any cause, said Board of Trustees shall make a new appointment.

Fees. SEC. 3. Said Board of Trustees shall from time to time establish the rate of fees and charges to be paid to the Pound Keeper for receiving, keeping, and feeding the several kinds of beasts authorized by this Act to be impounded, and such rate of fees and charges shall be kept posted up by the Pound Keeper at some conspicuous place at his pound; but neither such fees or charges, nor the costs or charges of establishing, furnishing, or maintaining the pound shall be paid out of the Township or County Treasuries.

Damages for trespass. SEC. 4. Any person finding any horse, mare, mule, jack, jenny, or any cattle, sheep, hogs, or goats trespassing on his inclosed land, may recover all damages by him sustained by the incursion and trespassing of such animals by a civil action against the owner thereof, or by distraining the beasts doing damage as aforesaid, and proceeding therewith as hereinafter directed.

Impounding of beasts. SEC. 5. The beasts so distrained for doing damage shall, within twenty-four hours after being distrained, be driven to the nearest pound in said county, but not more than ten miles from the place where the same have been distrained, and shall be placed in the custody of the Pound Keeper of said pound,

who shall furnish them with suitable food and water while they remain impounded.

SEC. 6. The distrainor of such beasts shall leave with the Pound Keeper a memorandum in writing, under his hand, stating the cause of the impounding, the sum that he demands from the owner of said beasts for damages done by the beasts, and the name of the owner or keeper of such beasts, if known to him, and the kind and number of such beasts, and their marks and brands, if they have any; and the Pound Keeper shall enter the same or an abstract thereof in a book kept by him for that purpose, and keep a list of such beasts while they remain in his custody posted up at his pound.

SEC. 7. The Pound Keeper, when the beasts are in his custody, shall not deliver them to the owner or keeper until the owner or keeper pays him his fees and charges, the sum demanded by the distrainor for his damages, the expense of advertising the beasts, if they have been advertised, and all other legal costs and expenses.

SEC. 8. When beasts are impounded, the distrainor shall, within twenty-four hours thereafter, give notice of such impounding in writing to the owner or keeper thereof, if known to him, and living within ten miles from the place of distraining, which notice shall be delivered to the party, or left at his place of abode, and shall contain a description of the beasts, with their marks and brands, if any, and a statement of the time, place, and cause of impounding, and the claim for damages.

SEC. 9. If there is no person entitled to the notice, according to the preceding sections, and the proper person does not appear to claim the beasts impounded, the distrainor shall, within forty-eight hours after their being impounded, post notices in at least three public places in the townships where they were distrained, stating therein the description of the beasts, the time and place of and the cause of their being distrained, by whom distrained, the damages claimed by him, and the place where impounded; and in case their value shall exceed fifty dollars, he shall within ten days after their being impounded cause a like notice to be published weekly, for three successive weeks, in a newspaper of general circulation in said county. The posting and publication of the notices may be proved by the affidavit of any person knowing the same to have been done, and the cost for posting and publication shall be the same as in case of sales of property by Constables, and shall be paid as other costs and charges are herein required to be paid.

SEC. 10. If the owner or keeper of the beasts is dissatisfied with the claim for damages of the distrainor, he may, within five days after the notice to him or after the advertisement as above provided for, have the amount for which he is liable ascertained and determined by referees, one to be selected by the distrainor, one by the owner, and the third by the two so selected; and if they cannot agree upon the third referee, or if either of the parties fail or refuse to select a referee, as above provided for, he or they shall be appointed by the Justice of the Peace nearest to the place where the beasts were distrained. Said parties may agree upon a less number of referees. Said referees shall be sworn if required by either of the parties, and they shall within

Impounding
of beasts.

Costs and
charges.

Referees to
determine
damages.

two days after their appointment ascertain and determine the amount of such claim for damages, and forthwith return the same in writing to the Pound Keeper. The referees shall be entitled to the same fees as jurors in civil cases before a Justice of the Peace. If the referees reduce the amount of the distrainor's claim more than ten per cent, he shall pay said fees, and if not so reduced, such owner or keeper shall pay such fees.

Referees to determine damages.

SEC. 11. If the sum for which the beasts were impounded, with the fees, charges, and expenses above provided for, be not paid within two days after notice of impounding has been given as above directed, or after the last publication in a newspaper as above directed, if referees have not been appointed as above provided for, the distrainor shall apply to the said Justice of the Peace and obtain the appointment of three referees, who shall ascertain and determine the amount of damages, for which the beasts have been impounded, and return the same in writing to said Justice of the Peace and said Pound Keeper.

Sale.

SEC. 12. If the amount found due by the referees for damages, and the fees, costs, and expenses above provided for be not forthwith paid, the Pound Keeper shall sell the said beasts or so many thereof as may be necessary to pay said damages, fees, costs, and expenses, and accruing costs, at public auction, after advertising the time and place of sale, not less than five days, in the same manner as in case of sales of personal property under execution by Constables.

Disposition of proceeds.

SEC. 13. The Pound Keeper shall, within five days after such sale, pay the proceeds of such sale, after deducting said damages, fees, costs, and expenses, to the County Treasurer of said county, and file his receipt therefor with the County Auditor of said county. If any person shall, within two years thereafter, show to the Board of Supervisors of said county that he is entitled to the said sum of money or any part thereof, they shall order the same to be paid to him; and if the same shall not be so ordered to be paid within two years, then it shall be paid by said Treasurer into the Common School Fund of said county.

Substantial compliance sufficient.

SEC. 14. In all actions and prosecutions wherein the legality or sufficiency of proceedings under this Act are in issue or brought in question, this Act shall be liberally construed, and only a substantial compliance with the provisions thereof shall be required to be proved.

SEC. 15. All laws and parts of laws so far as they conflict with the provisions of this Act are hereby repealed.

SEC. 16. This Act shall take effect from and after its passage.

CHAP. CCCIII.—An Act for the protection of the City Cemetery of the City of Sacramento, and others in the vicinity, and the approaches thereto.

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every person who shall cut, or chalk, or mark, or Depreda-
write upon, or who shall in any other manner whatever deface, tions.
or who shall intentionally break, mutilate, injure, destroy, or damage, or who, without the consent of the Superintendent, shall remove or alter any tombstone, or gravestone, or monument, or stake, or fence, or mark, or post, or rail, or wall within the exterior boundaries of the City Cemetery of the City of Sacramento, or other cemeteries in the vicinity, and every person who shall cut, or break, or pluck, or remove, or in any manner intentionally destroy or injure any tree, or shrub, or plant, or flower, or twig, or branch, or limb of any tree, shrub, or plant within the aforesaid boundaries, or who shall destroy, injure, or molest any bird or bird's nest, or bird's eggs within the aforesaid limits, or who shall discharge any firearms of any kind or nature within, or within two hundred and fifty yards on the outside of said limits, shall be guilty of a misdemeanor, and Penalties.
upon conviction shall be punished by a fine of not less than ten dollars nor more than two hundred and fifty dollars, or by imprisonment for not less than five days nor more than four months, or by both fine and imprisonment.

SEC. 2. This Act shall take effect upon its passage.

CHAP. CCCIV.—An Act to provide for the payment of moneys advanced by Hall & Allen in the trial of the case of the People v. Horace Smith.

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of nine hundred and fifty-two dollars Appropria-
and twenty-five cents is hereby appropriated out of any money tion.
in the State Treasury not otherwise appropriated, for the pur-
pose of paying Hall & Allen as assignees of the following named persons, for expenses incurred by them respectively growing out of the indictment and trial of Horace Smith, as provided for by Act of the Legislature of A. D. eighteen hundred and sixty-one, entitled an Act to change the venue in the case of Horace Smith, to wit: John G. Hatch for the sum of forty-one dollars and fifty cents; W. Ayer, M. D., for the sum of fifty-six dollars;

Appropriation. George Durham for the sum of sixty-eight dollars; John C. Chapman for the sum of fifty-three dollars and fifty cents; R. H. Woodward for the sum of fifty dollars; W. M. Knox for the sum of twenty-four dollars; H. M. Bernard for the sum of twenty-four dollars; Henry Fitzgerald for the sum of thirty dollars; H. J. Newhall for the sum of twenty-eight dollars and fifty cents; D. W. Woods for the sum of sixty dollars; R. T. Connors for the sum of one hundred and seventeen dollars and seventy-five cents; S. C. Leonard for the sum of one hundred dollars; A. Snodgrass for the sum of thirty-two dollars; L. B. Blake for the sum of thirty dollars; James L. Rice for the sum of sixty-nine dollars; Peter Keely for the sum of forty dollars; and Drury Malone for the sum of fifty dollars; and for the purpose of paying C. C. Jenks, as the assignee of N. Klein, for expenses of said trial, the sum of seventy-eight dollars.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant on the Treasurer of the State in favor of the said Hall & Allen for the sum of eight hundred and seventy-four dollars and twenty-five cents (\$874 25,) and in favor of said C. C. Jenks for the sum of seventy eight dollars.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCV.—*An Act to authorize the Board of Supervisors of Butte County to sell certain bonds, and to provide for the redemption of the bonds of the county, and for other purposes connected therewith.*

[Approved March 20, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

**Authority
to sell.**

SECTION 1. The Board of Supervisors of Butte County are hereby authorized and empowered to sell two hundred of the bonds of the California Northern Railroad Company, now held by said county, together with all the interest coupons attached thereto belonging, in the manner hereinafter provided.

**Proposals
to purchase.**

SEC. 2. At any meeting of the Board of Supervisors sealed proposals may be received from any party or parties, with or without previous notice, for the purchase of the whole or any part of said railroad bonds, in sums not less than ten bonds to any one bid, and a rate not less than five hundred dollars for each bond, with all unpaid coupons attached, and to receive in payment therefor bonds of the County of Butte, at par value, with all coupons attached now unpaid.

**Destruction
of bonds, and
satisfaction
of mortgage.**

SEC. 3. When any such bids shall have been accepted by said Board of Supervisors, and said county bonds shall have been so received, the Supervisors shall forthwith proceed to cancel and destroy said county bonds, together with their coupons, and when all of the said one hundred county bonds shall have been received, and when two hundred of the said railroad bonds shall have been disposed of by said Board of Supervisors under and in accordance with this Act, the said Board shall

authorize the Trustees named in the mortgage under which said bonds were issued to cause to be recorded in the offices of the County Recorders of Butte and Yuba Counties a release of said mortgage to the amount of two hundred thousand dollars of the interest of said County of Butte in said mortgage.

SEC. 4. The Board of Supervisors shall annually, at the same time and in the same manner as other taxes are levied, levy and cause to be collected a tax upon all the taxable property of the county sufficient for the payment of the interest accruing from year to year upon all the bonds of the county outstanding; the proceeds of which tax shall be paid into the Railroad Interest Fund of said county, and on and after the year eighteen hundred and seventy, in addition thereto shall cause to be levied and collected in like manner yearly a tax sufficient to redeem said bonds at maturity.

SEC. 5. It shall be the duty of the County Treasurer to keep ^{Railroad Interest Fund.} the moneys received into said Railroad Interest Fund separate from all other funds, and to disburse the same only in payment of said interest upon presentation of the proper coupons, at or after their maturity, on the first days of January and July of each year.

SEC. 6. All Acts and parts of Acts so far as they conflict with this Act are hereby repealed.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAP. CCCVI.—*An Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties, and compensation of county and township officers in certain cases.*

[Approved March 22, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The townships in San Mateo County shall remain ^{Township boundaries.} as now established, with only such changes in the boundaries thereof as the Board of Supervisors may in their discretion think proper to make in order to avoid the division thereby of an entire farm, lot, or tract of land.

SEC. 2. There shall be in and for each of said townships a ^{Trustees.} Board of Trustees, consisting of the County Supervisor elected for the township as now provided by law, and two additional Trustees, to be elected by the qualified electors of the township at the time, in the manner, and for the term as now prescribed by law for the election of such Supervisor. The Supervisor shall be Chairman of the Board of Trustees. The County Board of Supervisors, at its first regular meeting after the passage of this Act, shall order a special election in each township for the election of two Trustees, to be held on the first Wednesday in May next; and the Trustees thus elected shall hold office until the election and qualification of their successors, to be chosen at the next regular election of Supervisors as above provided. Said

special election shall be held and conducted conformably with the general laws regulating elections. The Board of Supervisors shall cause to be given and published at least ten days notice of such special election in such mode as to give it general publicity.

Officers.

SEC. 3. The Justices of the Peace and Constables in and for each township shall continue and are to be elected subject to the existing provisions of law in all respects as if this Act had not been passed. There shall also be in and for each township a Township Clerk, (who shall be ex officio Clerk of the Board of Trustees,) and a Township Treasurer, who shall be appointed by the Board of Trustees, and hold office for two years, unless sooner removed by the said Board; also a Road Overseer, to be appointed by and to hold office during the pleasure of the Board of Trustees. No person but a qualified elector of the township shall be eligible to any township office. All officers shall take the constitutional oath of office; and the Clerk, Treasurer, and Road Overseer shall each execute an official bond conformably with existing laws relating to official bonds, which bond shall be approved by the Board of Trustees, and be in such amount as said Board shall prescribe. The Clerk may be appointed Treasurer should the Board of Trustees deem it expedient.

Trustees' meetings and proceedings.

SEC. 4. The Board of Trustees shall assemble as soon as convenient after their election. They shall hold stated meetings for the transaction of business at such times and places in the township as they may fix. Two of their number shall constitute a quorum to do business. They shall establish rules for and keep a journal of their proceedings, and cause a record to be made of the vote of every member on all questions acted on by them. Their proceedings shall be public. In case of any vacancy in the Board of Trustees, the Board of Supervisors of the county shall appoint one of the qualified electors of the township to fill it, upon the petition of twenty or more taxpayers of the township recommending such elector for the vacancy.

Compensation.

SEC. 5. The Township Clerk shall receive such compensation as the Board of Trustees shall allow, not exceeding in the aggregate one hundred dollars for any one year, payable out of any township funds at the disposal of the Board. The Road Overseer, for his labor and services as such, shall receive such compensation per diem during the time that he shall be actually employed as the Board of Trustees shall allow, not exceeding three and one half dollars per day, payable out of moneys collected for the road poll tax in the township, which shall continue to be levied and collected under the provisions of the Act entitled an Act concerning roads and highways in the County of San Mateo, approved April twenty-seventh, eighteen hundred and sixty-three, and the Act supplementary thereto, approved February fifteenth, eighteen hundred and sixty-four. The Road Overseer shall be ex officio Collector of said road poll tax, which shall hereafter in all cases be payable and collected in cash, and in United States gold or silver coin; and for that service he shall receive such commissions on the amount actually collected as the Board of Trustees shall have previously fixed, not exceeding fifteen per cent.

SEC. 6. If any person liable to pay a road poll tax under the provisions of the Acts cited in the preceding section shall refuse

to pay the same after personal demand made in writing by the Road Tax Collector, provided for in this Act, the Road Tax Collector shall seize so much personal property belonging to such delinquent as shall be sufficient to pay the tax and costs, and shall sell the same at public auction to the highest bidder, for cash, after giving one hour's notice by public proclamation of the time and place of sale; and in default of bidders, the sale may be postponed once or more by proclamation, not to exceed five days in all. Out of the proceeds of sale, the Road Tax Collector shall retain the amount of tax due, with three dollars additional for his fees and costs of sale, returning the overplus, if any, to the delinquent.

Sale of prop-
erty for road
poll tax.
Duties of
Collector.

Sec. 7. It shall be the duty of the Collector of each township to keep a book in which he shall enter or cause to be entered the name of each person from whom he shall collect a road tax, the year and day of the month when collected, and as minutely as possible in what portion of the township each taxpayer resides. He shall present a written statement, under oath, to the Township Treasurer, on or before the second Monday in April, August, November, and January of each year, and pay over to the said Treasurer all moneys collected, after deducting his percentage for the collection of the same, for which payment he shall take a receipt and a duplicate of the same from the said Treasurer, and file the original with the County Auditor within five days thereafter. The Collector of each township shall, at his annual settlement in the month of December, deliver to the County Auditor all road tax receipts in his possession belonging to said office, or at such other times as the Board of Trustees may direct, taking the Auditor's receipt therefor. All such tax receipts shall be placed to his credit in the said Auditor's account.

Sec. 8. Any moneys collected for road poll taxes or other funds belonging to the township may, by order of the Board of Trustees, be deposited with the County Treasurer to the credit of the township, and be drawn out by order of said Board of Trustees and placed in hands of the Township Treasurer for disbursement from time to time, in the same manner as moneys of the township collected for taxes, as hereinafter provided. Any officer who shall use, loan, disburse, pay out, or deposit any funds of the township in any manner or for any purpose not authorized by this Act, shall, on conviction, be punished by fine not exceeding one thousand dollars, or imprisonment in the County Jail or State's Prison not exceeding three years, or by both such fine and imprisonment.

Sec. 9. No county tax shall hereafter be levied for the Hospital Fund or for the Road Fund except the road poll tax, to be collected and expended in the several townships as hereinbefore mentioned; but for the Hospital Fund and Road Fund of the several townships, the Board of Supervisors shall annually levy and collect in the same manner as State and county taxes are levied and collected, such amount, rate, or proportion upon all the taxable property situated within the boundaries of each township respectively, according to the assessment roll, as the Board of Trustees thereof shall propose, and the assessed owners of the greater part in value of said taxable property shall assent

Township,
Hospital, and
road tax.

to, as hereinafter provided; the moneys thence arising to be paid and deposited in the County Treasury to the credit of such township, and to be drawn out for disbursement from time to time upon the orders in writing of the said Board of Trustees in such sums as they shall judge convenient; *provided*, that the hospital tax shall in no case exceed the rate of fifteen cents on the one hundred dollars valuation, nor the road tax fifty cents, unless with the unanimous concurrence of all the members of the Board of Trustees, and the assent of the assessed owners of three fourths at least of all the taxable property of the township, according to the assessment roll. The proposition to levy any tax shall be submitted and the assent of the taxpayers thereto shall be indicated in the manner hereinafter provided, and not otherwise.

Proposition to tax submitted to taxpayers.

SEC. 10. Whenever the Board of Trustees shall propose any tax or taxes to be levied as aforesaid, they shall submit the proposition to the taxpayers of the township, by public notice in writing, specifying the object and amount, or rate, of each proposed tax, which notice shall be posted in three of the most public places of the township for three weeks or more, and be published in such other mode as the Board of Trustees may deem necessary, and the notice shall also inform the taxpayers when and where they must apply to signify their assent to such proposed tax or taxes, which shall be kept open during a period of five consecutive days, commencing not less than three weeks and ending not more than thirty days after the first posting of said notice, and the place shall be at the Township Clerk's office, or such other more public, convenient, or accessible place as the Board of Trustees may direct and specify in said notice.

Mode of assent.

SEC. 11. During the time designated for the purpose in such notice, any assessed owner of taxable property situated within the township may signify his assent to the proposed tax, (or to such proposed tax separately, if more than one is proposed at the same time,) by signing his name to a paper or document, in duplicate, prepared by the Board of Trustees, headed with the proposition submitted, and expressing assent thereto on the part of the undersigned. Each such paper shall propose but one tax, specifying the object, amount or rate, and how many years to be levied, whether one, two, or three; but longer than three years no such tax shall be levied without resubmitting it to the taxpayers in the same manner. The signatures to such papers shall be witnessed, or their genuineness certified to, by the Township Clerk, or some member of the Board of Trustees, or part by one and part by another or others of said officers.

Further proceedings.

SEC. 12. One duplicate copy of the said paper or document, signed, witnessed, authenticated, and certified as aforesaid, together with a certified copy of the order of the Board of Trustees proposing the tax, shall, as soon as practicable after the expiration of the said term of five days, be delivered to the County Clerk, to be by him laid before the Board of Supervisors, together with a certificate, to be signed by him and the County Auditor, stating that they have for the purpose carefully examined the assessment roll of the fiscal year then current, and that the names subscribed to the said paper or document assenting to the proposed tax, do or do not (according to the fact) comprise the assessed owners of more than half (or three

fourths, as the case may require) of the aggregate amount of the taxable property situated within said township, according to said assessment roll; which examination and certificate of the Clerk and Auditor shall be deferred, if practicable, until the equalization of the assessment roll is completed, but shall be delivered to the Board in time to enable them to levy the tax, as in the next section provided. The said certificate of the Clerk and Auditor shall, in all cases affecting the validity of the tax, be conclusive evidence of the fact so certified.

Sec. 13. The Board of Supervisors shall examine the documents and proceedings in reference to the proposed tax, and finding the same conformable with the law, (on which point the determination of the Board shall be conclusive,) shall, at the time of levying the county taxes, also levy for the said township, upon the taxable and assessed property therein situated, according to the assessment roll completed and equalized for the fiscal year then current, such tax or taxes as the Board of Trustees shall have proposed, and the taxpayers shall have assented to as aforesaid.

Sec. 14. The Board of Supervisors of San Mateo County shall hereafter have power to levy and collect for county purposes, upon the whole amount of taxable property in the county entered and appearing upon the assessment roll after the completion and equalization thereof, each year, the following taxes and no others: For the General Fund, such rate or proportion as upon the aggregate value of said roll as footed up will produce an amount not exceeding six thousand five hundred dollars, and for the School Fund, a rate ascertained and fixed in the same manner, which will produce an amount not exceeding five thousand dollars; *provided*, that for the fiscal year eighteen hundred sixty-six eighteen hundred and sixty-seven, the said Board may levy in the same manner for the General Fund two thousand dollars more, making seven thousand dollars in all—the rate being ascertained and fixed in all cases by mathematical calculation, without allowing for delinquencies. The County Auditor shall calculate the rate and certify to its correctness, which certificate shall be attached to the assessment roll. After the lapse of two years from the passage of this Act, the Board of Supervisors, if they should deem it necessary, shall have power to increase the rate of taxation for the General Fund and the School Fund to such extent, each year successively, as will add five hundred dollars to the former and four hundred to the latter.

Sec. 15. All county and township taxes shall be payable and collected in the gold and silver coin of the United States, and all expenditures and disbursements for county and township purposes shall be made in the same currency. All lawful claims against the Road Fund, or Hospital Fund, or for the relief of the indigent, hereafter accruing, shall be examined and allowed by the Board of Trustees of the township in which they accrue, and on being duly allowed shall be paid by the Township Treasurer out of the funds of the fiscal year in which they accrue and become payable, and from no other source. The Township Clerk and each member of the Board of Trustees shall have power to administer oaths and examine any person on oath, and take and

*Levy of
township tax*

*Levy of
county tax.*

*Payments in
gold coin.*

*Road and
hospital
claims.*

certify any affidavit, (for which service no fee shall be exacted,) respecting any claim or demand against the township or otherwise, when necessary in the discharge of their official duties.

Roads and highways. SEC. 16. The Board of Trustees of each township shall have power to order and direct the execution of such works in the construction, repair, and improvement of public roads and highways in the township as they shall deem necessary, payment therefor to be made out of the Road Fund belonging to the township, and to take and exercise the general care of all such public roads and highways; and it shall be the duty of the Road Overseer, and he shall have power, subject to the orders and direction of the Board of Trustees, to keep the public roads and highways within his township clear of obstructions and in good order and repair, and to execute such works thereon as may be ordered by the Board of Trustees. For that purpose the Road Overseer is required to work on the roads himself personally, and, subject to the aforesaid orders and direction, may purchase and procure necessary and suitable materials, and employ any necessary additional labor.

Relief of indigent persons. SEC. 17. The Board of Trustees shall have power to provide for the relief of such indigent persons, being residents of such township for one year or more, who are destitute of pecuniary means of subsistence, and by reason of sickness, decrepitude, or any bodily infirmity, unable to labor, and not having friends or relatives willing or legally obliged to support them, whose indigent and suffering condition renders them proper objects of public charity; payment of all expenses incurred in such cases to be made out of the township Hospital Fund. To ascertain whether any person is entitled to such relief, or any other material fact in the premises, each member of the Board of Trustees and the Township Clerk shall have power to administer oaths and examine such person on oath, and also any witnesses whom he may think proper by a subpœna under his hand to call before him, which examination shall be reduced to writing in the form of deposition, and being certified by the person taking it, shall be filed with the Clerk of the Board.

Registry. SEC. 18. The Board of Trustees shall cause to be kept in a permanent form a registry of all persons who shall become chargeable to or be in anywise relieved or supported by the township, which registry shall show, as far as the same can be ascertained from time to time, the name, age, place of nativity, and place of settlement of such persons, and to what country his allegiance is due; the time of his first coming into this State, time of his first coming to said township, and whence he came; when he first became chargeable to said township, and when and how he ceased to be so, if he has ceased to be chargeable; whether he or she is married or single, and the cause or causes of his or her coming to poverty or indigence; whether he or she has any property or effects, and if so what and where situated; also the names and places of residence of any near relatives of such person; also the description necessary to the identity of his person.

Township books and implements. SEC. 19. The Board of Trustees are hereby authorized to purchase the necessary books, blanks, and stationery for official use, and also blank forms for demands against the township;

and should they deem it necessary, a sufficient number of ploughs and scrapers for use on the roads of such township, and the same shall be used exclusively for that purpose, and the cost and expenses thereof shall be paid out of the Road Fund. The books, records, and official papers of all township officers shall at the expiration of their respective terms of office be handed over to their successors when legally qualified. Such books and records shall be open to the public inspection.

SEC. 20. Every person having a lawful claim payable out of any township funds shall within six months after it accrues present to the Board of Trustees of the township a demand therefor in writing, signed by him or his agent, and verified by affidavit, stating minutely what the claim is for, by what particular provision of the law its payment out of the Township Treasury is authorized, and specifying each several item, with the proper date and amount thereof. If the Board of Trustees shall be satisfied of the correctness and legality of the claim, and allow it, the Chairman shall indorse thereon such allowance, with the date, and sign it, with the Clerk, who shall register it in a book kept for that purpose. The Clerk shall at the time of the registration by him of any demand upon the Treasury, place a number upon it, (which numbers shall begin with the fiscal year, and run successively to the end of it,) and shall specify out of what fund it is payable. In the register book he shall record all the demands allowed by the Board, with the number, date, amount, when allowed, out of what fund payable, in whose name presented, and subject matter of the claim substantially stated.

SEC. 21. Neither the Board of Trustees, nor any officer, ^{Debt prohibited.} officers, or authority shall have power to contract any debt against any township in the County of San Mateo, and no person or property therein shall ever be liable to be assessed or be subject to taxation in any form to provide for the payment of any debt hereafter contracted, or of any claims against any township, except such legal and proper expenses thereof as shall accrue after the commencement of the fiscal year for which the tax shall be levied; and no part of the moneys levied and collected by taxation for one fiscal year shall ever be applied towards the payment of any expenses, debt, or liability incurred during any preceding fiscal year. It is, moreover, declared that the fiscal year commences on the first day of July, and ends on the thirtieth day of June.

SEC. 22. Every lawful demand duly audited as in this Act provided, shall be paid on presentation to the Township Treasurer, if sufficient funds exist in the Treasury legally applicable to that purpose, and if not, then such demand shall be registered by the Treasurer in a book to be by him kept for that purpose, with its number, amount, in whose name presented, on what account, and when allowed, out of what fund payable, with the date of such registration. All demands thus registered shall be paid out of moneys afterwards coming into the said Treasury applicable thereto in the order of their registration, that is to say, out of any moneys in the proper fund arising from the reve-

nues properly and strictly belonging to the fiscal year in which the claim accrued, or from the surplus revenues or funds of any preceding year remaining in the Treasury after the satisfaction of all lawful claims and demands against the same; and against such moneys or funds only shall such demand be deemed valid either in law or equity. But if no such moneys or funds sufficient and applicable for the payment of such demand in its order shall afterwards come into the said Treasury, then the same shall be forever barred and extinguished, the Board of Trustees having no power to contract debts or enter into any obligations or contracts without the means to discharge them, or otherwise than subject to the provisions and restrictions aforesaid as to payment.

**Penalty for
illegal allow-
ance and
payment of
claims.**

SEC. 23. Every officer (including each member of the Board of Trustees) who shall approve, allow, or pay any illegal or unauthorized claim or demand upon any Township Treasury, or pay out or disburse any township funds or moneys contrary to or without the authority of law, shall be liable to the township for the amount thus directly paid, or paid out, or disbursed on such claim or demand; and the same may be recovered by an action against the persons so liable therefor jointly or severally in the name of the County of San Mateo. It shall be the duty of the Board of Supervisors and each member thereof, as well as of the District Attorney, to see that suit is brought in the proper cases for the enforcement of the provisions of this section.

**Trustees' duty as to
contracts.**

SEC. 24. It is hereby declared to be the official duty of every county or township officer, including each Township Trustee and each Supervisor, who contracts or authorizes a contract for labor, materials, or anything else for the use or service of the County of San Mateo or any township therein, to ascertain and know beforehand whether there will be public funds sufficient and applicable to pay for the same; and every such officer acting wilfully, recklessly, or heedlessly in violation of such his duty, or without the exercise of ordinary care, prudence, or foresight, shall be personally liable to the claimant for the amount of any just claim by him contracted or authorized as aforesaid, which the public funds legally applicable shall be inadequate to discharge.

Statement.

SEC. 25. The Board of Trustees shall annually, on the first Monday in July, make out a full and correct statement of all moneys received and expended, from whom and for what purpose received, and to whom and for what purpose expended, during the year next preceding, and shall cause such statement to be posted up in three of the most public places in the township.

**Assessment
roll.**

SEC. 26. It shall hereafter be the duty of the Assessor in the County of San Mateo to make up the assessment roll in such form as to indicate in which of the townships any assessed property is situated, and in which township any taxpayer whose name appears on the roll has his residence, if a resident of the county; and the Board of Supervisors may by order, should they deem it expedient, prescribe the form of the said roll (so far as necessary) to accomplish this object. The said Board shall also have power to decide all questions which may arise as to which township any person or property is liable to be taxed in for township

purposes. And the said Board may also establish general rules and regulations not contrary to law for carrying the provisions of this Act into effect, and for preventing and determining all conflict in the powers and duties of county and township officers.

SEC. 27. The following laws are hereby repealed: The fourth and fifth subdivisions of section eight, also sections seven, nine, ten, twelve, and thirteen of the Act entitled an Act to provide for the continuance and election of a Board of Supervisors in and for the County of San Mateo, and to define and limit the powers and duties of said Board in certain cases, approved March twenty-fourth, eighteen hundred and sixty-four; also, the tenth, fourteenth, and fifteenth sections of the Act entitled an Act concerning roads and highways in the County of San Mateo, approved April twenty-seventh, eighteen hundred and sixty-three; also, the first, second, third, fourth, and fifth sections of the Act supplementary thereto, approved April fifteenth, eighteen hundred and sixty-four; also, the proviso contained in the ninth section of the Act entitled an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo, approved February sixth, eighteen hundred and sixty-four; also, all laws conflicting with this Act. No repeal of any law by the provisions of this Act shall invalidate any taxes heretofore levied, or affect any proceedings for the collection or enforcement thereof; but such proceedings shall be prosecuted and the taxes be collected in the same manner as if such repeal had not taken place.

SEC. 28. This Act shall take effect immediately after its passage. In all legal and other proceedings, legislative Acts, and other cases, it may be cited and referred to by the title of the "San Mateo Township Law;" and the Act entitled an Act to define and limit the compensation of officers and reduce public expenses in the County of San Mateo, approved February sixth, eighteen hundred and sixty-four, may be referred to and cited by the title of the "San Mateo Reform Bill." Both Acts, including such other local laws as the President of the Board of Supervisors and Auditor of said county shall deem necessary, shall be collated and printed in pamphlet form, and three hundred copies of the pamphlet shall be struck off for free distribution among the officers and citizens in said county, the expense thereof, not exceeding one hundred dollars, to be paid out of the County Treasury of said county, on a demand presented and duly audited like other lawful claims against said county.

CHAP. CCCVII.—*An Act concerning assessment rolls and returns to be made of property exempt from taxation.*

[Approved March 22, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All property exempt from taxation under the laws of this State, and not belonging to the United States or

Manner of assessment. this State, nor to any county, town, or city, shall be entered upon the assessment rolls in the several counties, with the name of the owner, the description and valuation, in the same manner as property not exempt.

Auditor to send statement to Controller. SEC. 2. The County Auditor of each county shall, in the month of September next preceding the commencement of each session of the Legislature, make out and transmit to the Controller of State a statement of the assessed value of all such exempt property, classified according to the designation used in the statutes allowing such exemptions, and exhibiting the aggregate value of each class of exempt property in the county, as shown by the assessment roll, with such other details as to the quantity of land, number of buildings, and the nature and extent of other property belonging to each class of exemptions as the Controller may require.

Controller's report. SEC. 3. The Controller shall include in his report for the same year a statement of the aggregate value of exempt property throughout the State, classified in the same manner as aforesaid, with such further details within his reach as he may deem useful.

SEC. 4. This Act shall take effect from and after its passage, and shall not apply to mining claims.

Assessor's affidavit. SEC. 5. Each Assessor, before delivering over the assessment roll to the Board of Equalization shall attach thereto his affidavit stating that he has complied with the provisions of this Act, so far as they relate to the duties of Assessor and the entry of exempt property on the assessment roll.

CHAP. CCCVIII.—*An Act supplemental to an Act to provide for the construction of a street railroad and tunnel through Russian Hill, in the City and County of San Francisco, approved April twenty-second, eighteen hundred and sixty-three.*

[Approved March 22, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time extended. SECTION 1. That the time for completing the railroad and tunnel mentioned in said Act be and the same is hereby extended for three years from and after the twenty-second day of April, eighteen hundred and sixty six.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCIX.—An Act to empower the Board of Supervisors of the City and County of San Francisco to set apart land for the use of the Seamen's Friend Society, and for the establishment of a Sailors' Home for the protection and relief of seamen.

[Approved March 22, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County of San Francisco shall have power to reserve and set apart so much land belonging to the said city and county, in an eligible location, (not exceeding the aggregate quantity of one hundred and twenty-five feet square,) as the said Board shall deem necessary for the establishment of a benevolent institution, to be known by the name of the Sailors' Home, for the protection and relief of seamen, to be under the conduct and management of a charitable association, to be organized under the name of the Seamen's Friend Society of the port of San Francisco.

SEC. 2. The said society shall after the passage of this Act become incorporated under the general laws, and its Constitution, by-laws, and permanent regulations for the government and management of said institution shall be submitted to and be approved by the said Board of Supervisors, or other municipal body which may hereafter succeed the said Board, and such Constitution, by-laws, or regulations, shall not be valid without such approval.

SEC. 3. The land reserved and set apart as aforesaid shall be and the same hereby is permanently dedicated to the use of the said institution and objects, to be established, organized, regulated, and managed as aforesaid.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. CCCX.—An Act to amend an Act entitled an Act to amend an Act entitled an Act concerning the Board of Supervisors of the County of San Bernardino, approved April eighth, eighteen hundred and sixty-two, approved March eighteenth, eighteen hundred and sixty-four.

[Approved March 22, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. At the next general election, to be held on the Tuesday next after the first Monday of November, eighteen hundred and sixty-four, there shall be elected in the County of San Bernardino, by the legal electors thereof, three Supervisors, two to hold their offices for the term of one year, and one to hold his office for the term of three years; and at the first meet-

Power to set apart land.

Incorporation of society.

Land dedicated to use of institution.

Election of Supervisors and term of office.

ing of the Board of Supervisors elected under this Act, they shall draw lots for the term of one and three years respectively. The Supervisors who shall draw for one year shall hold their offices for the term of one year from the time of their election, or until their successors are elected and qualified, and the one who draws three years shall hold his office for the term of three years, or until his successor is elected and qualified. At the general election to be held in the year one thousand eight hundred and sixty-five two Supervisors shall be elected for the term of four years; and at the general election to be held in the year one thousand eight hundred and sixty-seven one Supervisor shall be elected to hold his office for the term of four years; and thereafter the Supervisors shall be elected at the general election for the term of four years consecutively; and it is hereby further provided that the said Supervisors shall be elected in the county at large, and not by Supervisor Districts.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

CHAP. CCCXI.—*An Act granting to the Board of Supervisors of Alpine County the right to charge and collect toll for the floating and transportation of wood, saw logs, and lumber down the main Carson River, in said county.*

[Approved March 22, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervision of river. SECTION 1. The main Carson River, in the County of Alpine, known as the East Fork of said river, is hereby placed, for the purposes specified in this Act, under the control and supervision of the Board of Supervisors of Alpine County.

Tolls. SEC. 2. The Board of Supervisors of said county shall have the power and they are hereby authorized as a Board from time to time to grant license and fix the rates of toll for the use of said river, for floating, driving, or transportation of firewood, saw logs, and lumber down said stream, not to exceed the sum of one dollar per cord for each cord of firewood, one dollar for each thousand feet of lumber, and one dollar for each thousand feet of saw logs. The amount so fixed and charged shall be specified in the license and entered upon the books of said Board. The Board of Supervisors shall, by an order made and entered upon their journal, appoint a suitable person from among the citizens of the county, whose duty it shall be to collect the tolls so fixed and charged; and for this purpose the said appointee—who shall be denominated in this Act Toll Collector—shall, in case of neglect or refusal to pay the toll or the rates so fixed, have the power to seize the wood, saw logs, lumber, or any other personal property of the party so neglecting or refusing to pay; and for this purpose the Toll Collector is clothed with all the power and authority conferred by law upon Sheriffs in the seizure and sale of property under execution, and

dispose of the same at public auction, or so much thereof as may sale. be necessary to pay the toll, costs, and expenses of such seizure and sale; but no wood, saw logs, lumber, or other property shall be sold until after two weeks notice shall be given of such sale, by posting notices in three public places in the county and publishing a copy in some newspaper published in the county, specifying the time and place of such sale.

SEC. 3. The said Toll Collector shall at least once a month pay over to the Board of Supervisors all money collected by him, and shall at the same time make a statement under oath of the amount of money collected and the necessary expenses incurred thereby. The Board shall fix the compensation to be charged for the collection of the tolls, to be paid out of the money arising therefrom, and may remove said Toll Collector for any neglect of duty, incompetency, or failure to discharge his duties, and appoint other in his place.

SEC. 4. It is hereby declared a misdemeanor for any person or persons to float or drive, or transport down said river any fire-wood, saw logs, or lumber until the Board of Supervisors of said county shall have granted to him or them a license for that purpose; and any person or persons so offending shall be fined in any sum of money not less than twenty dollars nor more than five hundred dollars, or imprisonment in the County Jail not more than six months, or both such fine and imprisonment, in the discretion of the Court.

SEC. 5. The Board of Supervisors shall require the Toll Collector to give bond, with two or more sureties, payable to the County of Alpine, and conditioned for the faithful discharge of his duties, in such sum of money as in their judgment may be necessary to secure the county against loss; and shall also from time to time, when in their judgment it may be necessary, require additional bonds from such person. And the said Board may require from the Toll Collector such returns, under oath, of the money collected, and of his acts and doings under this Act, as they deem necessary.

SEC. 6. The money arising from the collection of tolls as afore-
said shall be paid over by the President of the Board of Super-
visors to the County Treasurer in monthly payments, and said
President shall at the same time make a statement in writing of
the amount collected and paid out, which statement shall be
sworn to. Seventy-five per cent of the amount paid into the
Treasury shall be placed to the credit of the General Fund of
said county, and the residue shall be placed to the credit of the
Common School Fund of the county.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXII.—*An Act concerning the office of District Attorney of the County of Placer.*

[Approved March 22, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary. SECTION 1. The salary of the District Attorney as fixed by law shall be audited and paid monthly.

Expenses. SEC. 2. The District Attorney of the County of Placer, and any deputy by him appointed, residing at the county seat, shall be entitled to their actual and reasonable expenses in attending to criminal business or prosecutions in other townships than that in which the county seat is situated, and accounts for such expenses shall be presented to and allowed by the Board of Supervisors of said county.

Deputy. SEC. 3. The District Attorney of said county shall not appoint more than one deputy to reside elsewhere than at the county seat in said county.

Compensation. SEC. 4. The deputy of the District Attorney of said county, not residing at the county seat, if regularly appointed and qualified as required by law, shall be entitled to receive as compensation for his services, in cases where District Attorney fees are not collected from the party or parties prosecuted, as follows: For each conviction for a misdemeanor, and for each prosecution where a party is held to bail to keep the peace, or to answer to a higher Court, the sum of ten dollars; *provided*, that if several prosecutions are instituted which might properly have been combined in one, compensation shall be allowed in one only.

Deputies' accounts. SEC. 5. The accounts of the deputies of the District Attorney of said county shall be presented to and allowed by the Board of Supervisors, upon the certificate of the District Attorney that the same is correct, and the prosecutions charged for necessary and proper.

Statement of causes prosecuted. SEC. 6. From and after the first Monday in June, eighteen hundred and sixty-six, the District Attorney of the County of Placer shall cause to be filed quarterly in the office of the Clerk of said county a statement of the several causes prosecuted by his deputies, noting the result of such prosecutions, the amount of fines collected from the parties, and specially those cases wherein the fees of such deputy have been made a county charge.

Fees. SEC. 7. The provisions of this Act shall not be construed to change in any manner the amount of fees now allowed by law to the District Attorney in those cases wherein costs may be collected from defendants.

Exemption. SEC. 8. The office of the District Attorney for the County of Placer is hereby exempted from the operation of all laws so far as they are in conflict with the provisions of this Act.

SEC. 9. This Act shall take effect from and after its passage.

CHAP. CCCXIII.—An Act granting the right to construct and maintain a bridge across the Klamath River, in Siskiyou County.

[Approved March 22, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The right to keep and maintain for twenty years franchise. the public toll bridge now owned by him, across the Klamath River, in the County of Siskiyou, on the stage road leading from Yreka, California, to Jacksonville, Oregon, is hereby granted to J. F. Anderson and his assigns, upon the terms and conditions hereinafter mentioned.

SEC. 2. Said J. F. Anderson is hereby authorized and empowered to charge and collect such rates of toll as may be fixed by the Board of Supervisors of Siskiyou County.

SEC. 3. Said J. F. Anderson may regulate and determine the speed of travel, riding or driving, upon said bridge, and may require the speed to be not faster than a walk. Notice of such regulations, together with the rates of toll, shall be kept posted in a conspicuous place on each end of said bridge; and for each violation of said regulations the party offending may be fined in any Court of competent jurisdiction in any sum not less than ten nor more than fifty dollars, and shall also be liable for all damage sustained by reason of such violation.

SEC. 4. No ferry or toll bridge shall hereafter be established Prohibition. across said Klamath River within two miles immediately above or below said bridge during this franchise.

SEC. 5. It is further provided that nothing in this Act shall Rights not diminish the rights and privileges which said J. F. Anderson now possesses and enjoys under the law regulating ferries and toll bridges.

SEC. 6. This Act shall be in force from and after its passage.

CHAP. CCCXIV.—An Act for the publication of the Gubernatorial Proclamations during the late war.

[Approved March 22, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the Secretary of State, in addition to the duty now required of him respecting the printing of the laws and joint and concurrent resolutions of the Legislature of this State, to cause the proclamations of the Governor, from the commencement and during the period of the late war for the suppression of rebellion, to be copied and prepared for the Public Printer, and make an index to the same,

and cause the same to be correctly printed and bound in the next copy of the laws of California, in the order of time at which they were issued.

CHAP. CCCXV.—*An Act to grant the right to construct a bridge across the Noyo River, near its mouth.*

[Approved March 22, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise. SECTION 1. A. W. Macpherson, and such persons as he may associate with him, are hereby authorized to construct and maintain a public toll bridge across the Noyo River, near its mouth, and near where the present ferry crosses said river in Mendocino County; and shall have and they are hereby granted the right of way across said river, with all the privileges, rights of way, franchises, and immunities hereinafter mentioned.

Provisional right. SEC. 2. The said A. W. Macpherson and his associates and assigns shall have full power to build, construct, and maintain a public toll bridge across the Noyo River, the same being a navigable stream in Mendocino County, at any point within one mile of the mouth of said river, and have and enjoy all the rights, and privileges, and immunities thereunto appertaining, and shall have the right of way across said river, and the privilege of using the same for the purpose aforesaid at the point aforesaid, which is hereby granted and ceded to the said A. W. Macpherson and his assigns for the term of twenty years; provided, that within one year from the passage of this Act the said A. W. Macpherson or his assigns shall have completed the said bridge;

Forfeiture. and if said bridge be not completed within two years from the date of the approval of this Act, the rights and privileges hereby granted shall be forfeited. The said party and his assigns shall at all times after the completion of the bridge aforesaid, keep the same in good order and condition, and shall be responsible for all damages to persons or property crossing the same, caused by neglect to keep the same in proper repair. Said bridge shall be built in a substantial manner and of durable materials, and shall have a draw or opening of sufficient width to admit any vessel that may wish to pass the same. And said grantee and his assigns shall at all times keep said draw or opening in good order and condition, and allow any vessel or boat to pass at any time they may wish.

Tolls. SEC. 3. Said party and assigns upon the completion of said bridge shall be authorized and empowered to charge and collect such tolls as the Board of Supervisors of Mendocino County shall fix; provided, the Legislature may at all times regulate, change, or modify the rates so fixed by the said Board of Supervisors.

SEC. 4. The said party and assigns are hereby authorized to assume the name of the "Noyo River Bridge Company."

SEC. 5. The said party and assigns may regulate and determine the speed of travel, riding or driving, upon said bridge,

and may require the speed not to be faster than a walk. Notice of said regulations, together with the rates of toll, shall be kept posted up upon some conspicuous place upon said bridge, and for each violation of said regulation, the party offending, if prosecuted in any Court of competent jurisdiction, shall be fined in any sum not less than ten nor more than fifty dollars, and in addition shall be liable to said party and his assigns for all actual damages sustained by reason of said violation.

SEC. 6. The said party and his assigns may regulate and determine the number of animals in the team, number of wagons, amount of freight, and number of stock cattle that may pass over said bridge at any one time; which regulation shall be affixed to the rate of toll in some conspicuous place as aforesaid, and the said party and his assigns shall not be liable for any damages resulting to persons or property resulting from a violation of this regulation.

SEC. 7. The said party and his assigns shall from time to time, as said Board of Supervisors shall require, execute to the people of the State of California, for the benefit of any person or persons injured, a bond, with such sureties and in such an amount as said Board of Supervisors may deem proper, for the faithful performance of the duties required of said party and his assigns by this Act.

SEC. 8. The Board of Supervisors of Mendocino County shall fix and regulate the amount of license to be paid on said toll bridge each year; provided, that said license shall not exceed fifty dollars in any one year.

SEC. 9. This Act to take effect and be in force from and after its passage.

CHAP. CCCXVI.—*An Act to create the County of Inyo, and to define its boundaries, and to provide for its organization.*

[Approved March 22, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be formed out of portions of Tulare and Mono Counties a new county, to be called Inyo.

SEC. 2. The boundaries of Inyo County shall be as follows: *Boundaries.* Commencing at the point where the southern boundary line of Tulare County is intersected by the eastern boundary line of the State of California, and running in a southwesterly direction along said county boundary line to the summit of the Sierra Nevada Mountains; thence in a northerly direction along the said summit to the headwaters of Big Pine Creek; thence in an easterly direction down the middle of the channel of said Big Pine Creek to its mouth; thence due east to the State line; thence in a southerly direction along the State boundary line to the place of beginning.

SEC. 3. The seat of justice of Inyo County shall be at Inde- *County seat.* pendence, until otherwise located, as hereinafter provided.

Election of officers, etc. SEC. 4. There shall be held an election in said county on the third (3d) day of March, eighteen hundred and sixty-six, at which election there shall be chosen a County Clerk, who shall be ex officio County Recorder and Auditor; a Sheriff, who shall be ex officio Collector of all property tax, poll tax, and license tax of every description; a District Attorney, an Assessor, a Treasurer, a Surveyor, a County Superintendent of Common Schools, a Coroner, who shall be ex officio Public Administrator; and three Supervisors. At the said election it shall be determined by a vote of qualified electors of said county, the place at which shall be located the county seat until otherwise provided by law; and on ballots to be used at said election shall be written or printed, and shall read thus: "For County Seat, _____," naming in the blank the place voted for.

Commissioners.

SEC. 5. Thomas J. Goodale, Louis F. Cooper, W. A. Greenly, William Baker, and Lyman Tuttle are hereby appointed and constituted a Board of Commissioners to designate the election precincts in said County of Inyo for the said election, to appoint the Inspectors and Judges of the several precincts as designated, to receive and canvass the returns of election, and to issue certificates of election to the persons entitled to the same. The Board shall meet ten days previous to the election, at Independence, and shall appoint one of their number President and one Clerk. A record of their proceedings shall be kept. The attendance of a majority of the members of the Board shall be necessary for the transaction of business. At the said meeting the Board shall designate the precincts of the county, and appoint Inspectors and Judges of such precincts, and give notice at each of said precincts.

Election returns.

SEC. 6. Sealed returns from officers of election may be delivered to any member of said Board. The Board shall meet on the tenth day subsequent to the election, at Independence, and the returns shall then be opened and read, and under their direction and in their presence a tabular statement shall be made out, showing the vote given at each precinct of the county for each person, and for each of the offices to be filled at the election, and also the entire vote given for each person. The statement made out by such Board shall be signed by its President and Clerk. The person having the highest number of legal votes for the several offices to be filled shall be declared to be elected; and the President shall immediately make out and send or deliver a certificate of election, signed by him as President of the Board of Commissioners, and attested by the Clerk. The Board of Commissioners at the same time and in like manner shall canvass the returns of election for the location of county seat; and the place voted for receiving a majority of all the legal votes cast shall be declared to be the county seat of said County of Inyo.

County Judge.

SEC. 7. Immediately after the passage of this Act, the Governor shall appoint and commission some suitable person as County Judge for said county, who shall hold his office until the next special election for judicial officers, and until his successor is elected and qualified, at which election a County Judge shall be elected by the qualified voters of the county, and hold his office for the term fixed by law.

SEC. 8. The persons elected as county officers as provided in this Act shall qualify before the County Judge within ten days after receiving their certificates of election, and shall enter upon the discharge of their duties. They shall hold their respective offices until the next general election for members of Assembly, and until their successors are elected and qualified. At the next general election for members of the Assembly, and at each general election thereafter, the officers mentioned in section four of this Act shall be elected, and shall hold their offices for the term fixed by law. Before entering upon the discharge of their duties they shall each give bond, with two or more sureties, to be approved by the County Judge, for the following amounts: Election, and term of office.

The Sheriff, in the sum of seven thousand dollars;

The Clerk, in the sum of three thousand dollars;

The Treasurer, in the sum of ten thousand dollars;

The District Attorney, in the sum of two thousand dollars;

The Surveyor, in the sum of two thousand dollars;

The Assessor, in the sum of one thousand dollars;

The Coroner, in the sum of two thousand dollars;

The Supervisors, each in the sum of one thousand dollars.

SEC. 9. The President of the Board of Commissioners shall transmit without delay a copy of the tabular statement prepared as provided for in this Act to the Secretary of State. The election returns of the county and a duplicate tabular statement shall be furnished to and retained by the County Judge, until the person elected as Clerk of said county has qualified and entered upon the discharge of his duties, after which they shall be filed in the office of said County Clerk. Statement for Secretary of State.

SEC. 10. The County Judge shall receive for his services the sum of one thousand dollars per annum, to be paid quarterly. The District Attorney shall receive for his services the sum of five hundred dollars per annum, to be paid quarterly. The other county officers, whose salaries are not fixed by law, shall receive for their services such fees as are prescribed in an Act entitled an Act to regulate fees in office, approved April tenth, eighteen hundred and fifty-five, from section four to section twenty-two, inclusive, and all provisions contained in such Act shall apply to officers of Inyo County. Compensation of County Judge.

SEC. 11. The County of Inyo, for representative purposes, shall be attached to the County of Mono, and shall be attached to and form a part of the Twelfth Senatorial District; and for judicial purposes, shall be attached to and form a part of the Fifth Judicial District; and the terms of the District Court in and for said County of Inyo shall be held on the fourth Monday in May and September. Senatorial and Judicial District.

SEC. 12. Whenever a vacancy occurs in the Board of Supervisors by death, resignation, or otherwise, the Board shall appoint some suitable person to fill the vacancy until the next general election, when a person shall be elected who shall hold his office for the remainder of the unexpired term for which his predecessor was elected. Vacancy in office of Supervisor.

SEC. 13. The Supervisors of Inyo County shall receive for salary their services the sum of three hundred dollars per annum each. They shall perform all the duties required of them by law to be done, and shall receive no other compensation for their services

than is herein provided, which compensation shall be drawn quarterly, as the services are performed. The Supervisors shall elect one of their number President of the Board.

Township. SEC. 14. The Board of Supervisors shall, immediately upon entering on the discharge of their duties, divide the county into a convenient number of townships, and cause such division to be published in some newspaper of general circulation. They shall, also, at the same time, provide for an election of two Justices of the Peace and two Constables for each township; *provided*, that all township officers chosen at the last general and special election for Tulare County, whose townships by this Act may be included within the present limits of Inyo County, shall continue to hold their respective offices for said County of Inyo during the term for which they were elected, and until their successors are elected and qualified.

Assumption of debt. SEC. 15. The Board of Supervisors of Inyo County shall appoint two Commissioners, to meet a corresponding number of Commissioners appointed in like manner by Tulare County, for the purpose of ascertaining and settling the amount of indebtedness said County of Inyo shall assume and become responsible for of the debt of the County of Tulare; and when ascertained and certified to by said Commissioners, or a majority of them, to their respective counties, the Board of Supervisors of Inyo County shall cause to be issued a warrant, drawn upon the County Treasurer of Inyo County, in favor of Tulare County, for the sum so agreed upon, payable out of any money that may come into the Treasury of Inyo County.

Election. SEC. 16. If for want of time after the passage of this Act, or for any other cause, an election shall not be held for the County of Inyo on the day specified in the fourth section of this Act, it is hereby further provided that an election may be held for said County of Inyo on any day thereafter within one year from the date of the passage of this Act, the day for said election to be fixed by the Board of Commissioners appointed in the fifth section of this Act. And as soon as the Board of Supervisors of the County of Inyo are elected and qualified, they shall hold a meeting and levy the State and county taxes for the year eighteen hundred and sixty-six, and the Assessor and Collector shall assess and collect the taxes under such levy as required by law; and it shall not be lawful for the Counties of Tulare and Mono to collect any taxes within the boundaries of Inyo County as described in this Act; *provided*, the said Inyo County is organized within three months after the passage of this Act.

SEC. 17. All Acts and parts of Acts inconsistent with the provisions of this Act, so far as applicable to the County of Inyo, are hereby repealed.

SEC. 18. This Act shall take effect from and after its passage.

CHAP. CCCXVII.—An Act to provide for the summary sale of mines or mining interests belonging to the estates of deceased persons.

[Approved March 22, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever it shall appear from the inventory of the estate of any deceased person that said estate consists in whole or in part of any mines or interests in mines, or of shares, interests, or stocks in any mining corporation, such mines, interests, stocks, or shares may be sold under the order of the Probate Court having jurisdiction of said estate, and as hereinafter provided.

Sec. 2. The executor, administrator, or any heir at law of such estate, any creditor having a claim against the estate, any partner or member of any mining company in which such interests or shares are held, the President of any mining corporation in which stocks or shares are held or owned by such estate, may file in the Probate Court a petition in writing, setting forth therein the general facts of such estate being then in due course of administration, and particularly describing the mine, interest, stock, or shares owned by such estate, and which it is desired to sell. Such petition shall further set forth particularly the condition and situation of the mines, mining interests, or of the mining company or corporation in which such interests or shares are held, and especially the reasons for such sale.

Sec. 3. Upon the presentation of such petition, the Probate Judge shall make an order directing all persons interested to appear before him at a time and place specified, not less than four nor more than ten weeks from the time of making such order, to show cause why an order should not be granted to the executor or administrator to sell such mines, mining interests, shares, or stocks, as are set forth in such petition, and as belong to such estate. A copy of such order to show cause shall be personally served on all persons interested in the estate at least ten days before the time appointed for hearing the petition, or shall be published at least four successive weeks in such newspaper as the Court shall order; *provided*, however, if all persons interested in the estate shall signify in writing their assent to such sale, the notice may be dispensed with.

Sec. 4. If, upon the hearing of such petition, it shall appear to the satisfaction of the Probate Judge that it is to the interest of the estate that such mining property or interests of the estate should be sold, or if it be made to appear to his satisfaction that an immediate sale is necessary in order to secure the just rights or interests of the mining partners, tenants in common, or mining corporations in which such mining shares, stocks, or property are held, such Probate Judge shall thereupon make an order of sale authorizing the executor or administrator to sell such mining interests, mines, stocks, or shares, as hereinafter provided.

Sec. 5. After such order of sale shall be made by the Probate Judge, all further proceedings for the sale of such mining property shall be in conformity with the laws providing for the sale

of other real property under the orders of the Probate Court. And whenever such mining interest shall consist of stocks or shares held and owned as personality, such further proceedings for the sale thereof, after the order of the sale, shall be in conformity with the law providing for the sale of the other personal property of an estate.

CHAP. CCCXVIII.—*An Act to further define the powers of the Board of Trustees of the City of Sacramento.*

[Approved March 22, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Vacation of streets.

SECTION 1. The Board of Trustees of the City of Sacramento shall have power to vacate and discontinue any of the streets or alleys in said city north of the present line of the Central Pacific Railroad, or east of Fourteenth street, or south of R street. Before making any order for the vacating or discontinuance of any such street or alley, notice of the intention so to do shall be given by publication in some newspaper printed in said city for not less than three successive weeks; and if the owners of a majority of the property lying on both sides of the street or alley thus sought to be vacated or discontinued shall fail to file their written objections thereto with the Clerk of said Board of Trustees within said three weeks, said Board of Trustees may in their discretion order the same vacated and discontinued.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXIX.—*An Act for the relief of the heirs of Edwin A. Brown.*

[Approved March 22, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Issuing of warrant.

SECTION 1. The Controller of State is hereby authorized and required to issue a warrant upon the State Treasurer, payable to William F. Shelton, administrator of the estate of Edwin A. Brown, for the sum of fifty-eight dollars and fifty-three cents, that being the amount allowed by the United States (less five per cent) on Certificate Number One Thousand and Forty-Three, dated August sixth, eighteen hundred and fifty-eight.

Bond.

SEC. 2. Before delivering the said warrant to the said William F. Shelton, the Controller of State shall require and receive from him or his legal representative an indemnifying bond in the penal sum of one hundred and twenty dollars, which bond

shall be given to the people of the State of California, and signed by two or more sureties, and approved by the Controller of State, conditioned against the appearance of said Certificate Number One Thousand and Forty-Three.

Sec. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXX.—*An Act granting leave of absence to Seth G. Sneden, Sheriff of Mono County.*

[Approved March 22, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Seth G. Sneden, Sheriff elect of the County of Mono, is hereby granted leave of absence from the State for the period of six months, at such time as he may select during his term of office; *provided*, that the said Seth G. Sneden furnish a competent person to discharge the duties of his office during such absence from the State, which person shall be acceptable to the sureties on the official bonds of said Sheriff.

Sec. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXI.—*An Act to define and establish the width of East street, between Market and Clay streets, in the City and County of San Francisco.*

[Approved March 22, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The easterly line of East street, between the northerly line of Market street and the southerly line of Clay street, along the water front, in the City and County of San Francisco, as it now appears by the official map of the Harbor Commissioners now on file in the office of the City and County Surveyor of said city and county, shall be and the same is hereby changed as follows: Commencing at the intersection of the easterly line of East street and the northerly line of Market street, and running thence along said easterly line of East street, in a northerly direction, one hundred and ninety-two (192) feet five (5) inches to the northerly side of Central Wharf, thence deflecting to the right seventy-seven degrees ten minutes forty-five seconds, and running in this direction one hundred and fifty-three (153) feet ten (10) inches to a point in the present water front line distant from the northerly line of Market

Tolls, and
wharfage.

street two hundred and twenty-six (226) six and five eighth (6 $\frac{5}{8}$) inches, and the Harbor Commissioners are hereby authorized to make such change. The outer half of said street shall be constructed and kept in repair by the Harbor Commissioners, and may be used by them as a landing place or pier, on which dockage, wharfage, and tolls may be collected. All laws and parts of laws in conflict herewith are hereby repealed.

² SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCXXII.—*An Act to authorize the guardian of William Henry Howard, a minor, to sell and convey the real estate of said minor.*

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority
to sell.

SECTION 1. George H. Howard, guardian of William Henry Howard, minor child of William D. M. Howard, is hereby authorized to sell the real estate of the said minor situate in the State of California, or any part of such real estate, or any interest said minor may have therein, on such terms and in such manner, either at public or private sale, as to the said guardian may seem most advantageous to said minor; *provided*, that no property belonging to said minor situate within the City and County of San Francisco shall be sold under the provisions of this Act.

Sale.

SEC. 2. No such sale or sales shall be valid until the same shall have been submitted to and approved by the Probate Judge of the City and County of San Francisco; and upon such sale, before the execution of the conveyance, the said guardian shall file in the Probate Court of the City and County of San Francisco such a bond as said Judge may require, if any, conditioned for the due and proper application of the proceeds arising from such sale or sales.

Deeds.

SEC. 3. The said guardian, upon any such sale or sales being made and approved, and upon the filing of the bond as hereinbefore provided, if such bond shall have been required, may execute, acknowledge, and deliver to the purchaser or purchasers a good and sufficient deed or deeds of conveyance of the premises sold, which shall operate to convey the interest of the said minor in the premises sold, in the same manner and to the same effect as if the said minor had executed, acknowledged, and delivered such deed or deeds, when of competent age and discretion for that purpose.

SEC. 4. This Act shall take effect immediately after its passage.

S. P. WRIGHT,
President of the Senate pro tem.
JOHN YULE,
Speaker of the Assembly.

This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this twenty-third day of March, A. D. eighteen hundred and sixty-six.

JOHN YULE,
Speaker of the Assembly.
S. P. WRIGHT,
President of the Senate pro tem.

Witness my hand and the Great Seal of State, this twenty-third day of March, eighteen hundred and sixty-six.

SEAL.

B. B. REDDING,
Secretary of State.

CHAP. CCCXXXIII.—*An Act to appropriate money for per diem of members of the Legislature at the Sixteenth Session.*

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of nineteen thousand dollars (\$19,000) ^{Appropriation.} is hereby appropriated out of any money in the General Fund in the State Treasury not otherwise appropriated, for the following purposes: Twelve thousand five hundred dollars (\$12,500) for per diem and mileage of members of the Assembly, and six thousand five hundred dollars (\$6,500) for per diem and mileage of Senators, at the sixteenth session of the Legislature.

Sec. 2. This Act shall take effect immediately.

CHAP. CCCXXIV.—*An Act to amend an Act entitled an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved April fifteenth, one thousand eight hundred and sixty-one, approved February sixth, one thousand eight hundred and sixty-four.*

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

That the Act entitled an Act to revise and amend an Act ^{Amendment} entitled an Act to incorporate the Town of Grass Valley, approved April fifteenth, one thousand eight hundred and sixty-one, approved February sixth, one thousand eight hundred and sixty-four, be and the same hereby is amended so as to read as follows:

SECTION 1. The inhabitants of the Town of Grass Valley, in ^{Rights and Powers.} the County of Nevada, are hereby constituted and shall continue to be a body politic and corporate, under the name and style of the "Town of Grass Valley," and by that name and style they and their successors shall be known in law, shall have perpetual succession, may sue and be sued, may complain and

defend in all actions and proceedings, and in all Courts; may grant, purchase, hold, and receive property, real and personal, within said town, and no other, excepting only burial grounds and cemeteries, water ditches, water rights, reservoirs, and the appurtenances thereto, and may control, manage, regulate, lease, sell, and otherwise dispose of the same for the benefit of the town; and may have a common seal, and alter it at pleasure.

Area.

SEC. 2. The area of said town shall be twelve hundred yards square, lying north and south, of which the northwest corner of the Congregational Church, in said town, shall be the centre.

Trustees.

SEC. 3. The corporate powers and duties of the Town of Grass Valley shall be vested in a Board of Trustees, to consist of five members, who shall be elected by the qualified electors of said town, on the first Monday in May of each year, in the manner and who shall hold their offices as hereinafter prescribed.

President, Clerk, and meetings.

SEC. 4. The Board of Trustees shall assemble on the second Tuesday after the annual election in each year, and shall choose a President from their number, and some person as Clerk; they shall by ordinance fix the times and places for holding their stated meetings, and may be convened by the President at any time.

Quorum.

SEC. 5. At all meetings of the Board a majority of the Trustees shall constitute a quorum to do business; any smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Board previously by ordinance may have prescribed.

Powers and duties of Trustees.

SEC. 6. The Board of Trustees shall judge of the qualification, election, and returns of their own members; and shall hear and determine contested elections of all town officers. They may establish rules for their own proceedings, punish any member or other person for disorderly or contemptuous conduct or behaviour in their presence at their meetings; and with the concurrence of four of the Trustees, may expel any member for good cause shown, but not a second time for the same cause or offence; they shall keep a journal of their proceedings, and at the desire of any member shall cause the yeas and nays to be taken on any question, and entered on the journal; and their proceedings shall be public.

Vacancy.

SEC. 7. In case of a vacancy in the Board of Trustees by resignation, or otherwise, the remaining Trustees shall have power and are hereby required to fill such vacancy by appointment at their next regular meeting; which appointment shall hold only until the next annual election, when such vacancy shall be filled by election.

Powers and duties of Board of Trustees.

SEC. 8. The Board of Trustees shall have power to make such by-laws and ordinances, not inconsistent with the Constitution and laws of the United States and of this State, as they may deem necessary to prevent and remove nuisances; to prohibit disorderly conduct; to provide for licensing public shows, concert saloons, music halls, lawful games, and bars at which spirituous liquors are sold; to construct, regulate, and control ditches, flumes, reservoirs, and other works necessary for duly supplying the town with water; to lay down water pipes and construct hydrants for protecting property against fire; to regulate, manage, and control the distribution and supply of water from such

pipes, and to levy a rate bill for the use of water from the same; to declare fire limits, within which dangerous combustible buildings shall not be erected; to appoint a Fire Marshal, who shall have police powers, and define his powers and duties; and to provide such other means as they may deem necessary to protect the town from injuries by fire; to lay out, open, and keep open, alter, grade, regulate, and repair the streets, alleys, and sidewalks of the town; to regulate, and within such limits as may be declared by the Trustees, to prohibit houses of prostitution and ill fame; to provide for licensing hucksters, hawkers, and pedlers, (excepting of agricultural productions raised by the parties vending the same;) to provide for, construct, regulate, and keep in repair, a system of sewerage and drainage for the town; to provide for the impounding and disposition of swine, cattle, and other animals found running at large within said town; to establish and regulate markets; to make rules to regulate and control the fire department of said town; to establish a night police, and to levy and assess an equitable rate bill upon the residents and persons established in business, of each street or block where such watch may be required, to pay the salary of such night watch; to construct bridges on streets crossing Wolf Creek, and provide for the protection of the same; to levy and collect annually a tax on all real and personal property within the town, (in addition to the special tax heretofore authorized by law for water purposes,) not exceeding one half of one per centum on the assessment valuation thereof, one fourth of which shall be set apart when collected, quarterly, for the benefit of the fire department; to levy and collect a poll tax not exceeding one dollar per annum upon every male inhabitant of the town who shall not be exempt by law, over the age of twenty-one years and under the age of sixty years; to levy and collect such road tax as may be established by general law, on every able bodied male inhabitant not otherwise exempt, between the ages of twenty-one years and fifty years; said tax to be applied only to road and street purposes within the corporate limits of the town; to impose and collect a tax on dogs, not exceeding six dollars per annum on every dog found at large within the corporate limits of the town; and to pass such other by-laws and ordinances for the regulation and police of said town as they may deem necessary in regard to municipal affairs not herein specially provided for.

Sec. 9. The Board of Trustees may impose fines for the breach of their ordinances, not exceeding the sum of one hundred dollars for any one breach of any ordinance, which fine may be recovered by suit before any Justice of the Peace, in the name of the "Town of Grass Valley," and may be collected by execution. The penalty of imprisonment may also be imposed by the Trustees for the breach of ordinances of said town, not exceeding thirty days' imprisonment for any one offence; and in default of the payment of any fine imposed by such ordinances, the party convicted may be imprisoned in the Town Jail, and put to labor upon the streets, or other work, at the rate of one day for every two dollars of the amount of the fine, in the discretion of the Justice or Recorder by whom the punishment is assessed. All fines collected under the provisions of

Fines and
imprison-
ment.

this Act, after deducting the usual costs declared by law in criminal cases, shall be paid over to the Town Treasurer by the officer collecting the same, and for any omission to do so, such officer may be proceeded against upon his bond, in the name of the town, in the manner authorized by law in the case of failure of such officers to pay over any moneys so collected. Persons living in the town shall be competent jurors and witnesses in all cases arising under the ordinances passed by the Board of Trustees, if in other respects competent and qualified.

Town officers. SEC. 10. There shall be chosen, in and for the Town of Grass Valley, at each annual election, a Treasurer, an Assessor, and a Marshal; the Marshal shall be also the collector of all taxes, licenses, and assessments levied by the Board of Trustees. Each of said officers shall hold their offices for the term of one year, and until their successors are elected and qualified; they shall severally qualify within ten days after their election, or in case of failure so to do, the Board of Trustees may declare the office vacant, and shall order a new election. The Board of Trustees shall have power to establish such other offices as they may deem necessary, to be filled in such manner as they may designate, and subject to the provisions of this Act. All appointed officers may be removed at pleasure by the Board of Trustees; they shall prescribe the powers and duties, and fix the compensation of all town officers, and shall fill by appointment all offices becoming vacant by resignation or otherwise, until the next annual election.

Qualification. SEC. 11. Any person shall be qualified to hold any town office, and to vote at any town election, who shall be a qualified elector under the Constitution and laws of this State, and who shall have resided, or have been established in business, within the town limits for thirty days next preceding the election.

Bonds. SEC. 12. All officers of the town before entering upon the duties of their respective offices, shall take and subscribe the oath prescribed in the Constitution, and shall give bonds for the faithful performance of their several duties, payable to the Town of Grass Valley, to be approved by the Board of Trustees, in such penalties as the Board by ordinance may prescribe. If from any cause such bonds shall have become insufficient in the opinion of the Board, they may require of such officer additional bond, and a failure to comply with such order may be sufficient cause to declare such office vacant.

Elections. SEC. 13. All town elections shall be conducted by an Inspector and two Judges of Election, to be appointed by the Board of Trustees. The Board of Trustees shall give previous public notice of such election for a period of not less than ten days. Should the Inspector or any Judge fail to attend at the time appointed, the electors present may appoint others in their stead. The Election Board shall appoint two Clerks, qualified electors; and all elections for town officers shall be opened and conducted in the same form and manner, and according to the laws regulating general elections in this State; and returns shall in like manner be made of such elections to the Board of Trustees, who shall issue certificates of election to the persons having the highest number of votes for each office voted for.

SEC. 14. The President of the Board of Trustees shall, on the first days of April and October of each year, make out a full and correct statement of all moneys received and expended, from whom and for what purpose received, and to whom and for what purpose paid out, during the six months next preceding, and shall cause such statement, within ten days thereafter, to be printed in some newspaper published in the town, if one there be, and if there be none, then he shall within said time cause copies of such statement to be posted in three of the most public places in said town. If the President of said Board shall neglect to make and cause such statement to be published as required by this Act, he shall forfeit for every such neglect the sum of five hundred dollars, to be recovered by suit in any Court of competent jurisdiction; one half thereof shall be to the use of the town, and the other half to the use of any person who may bring a suit for the collection of said forfeit.

SEC. 15. The President of the Board of Trustees shall cause to be published in some newspaper printed in said town, all the by-laws and ordinances thereof, for at least ten days before the same shall be carried into effect. All printing shall be done by contract, and shall be given to the lowest bidder, if there be more than one newspaper published in said town.

SEC. 16. In case of the absence of the President of the Board at any meeting of the Trustees, they may appoint a President pro tem. Should any of the Trustees or any other town officer remove from the town, absent himself therefrom for more than thirty days, without leave of the Board, or refuse or neglect to qualify within ten days after his election, or, if additional bond is required of him, neglect or refuse to give such bond within the said time, his office shall be thereby vacated.

SEC. 17. The Board of Trustees, in the name of the Town of Grass Valley, are hereby authorized and empowered, under the provisions of the Act entitled an Act to provide for the incorporation of railroad companies, approved May twentieth, eighteen hundred and sixty-one, as contained in sections twenty-four and following to section forty of said Act inclusive, to condemn, take, and appropriate lands, and the right of way through lands and premises, where the same cannot be obtained by purchase from or agreement with the owners, for the purpose of opening, widening, laying out, and straightening streets and alleys in said town; for reservoir sites, tanks, and cisterns, and for laying of water pipes from such reservoirs, tanks, and cisterns, and for sewers, sewerage, and drainage through any premises where the same may be necessary for the public health and convenience; and the provisions of said Act, and the proceedings thereunder to be taken, are hereby declared to be and are made applicable, in so far as the same can be so made, to the purposes hereinbefore set forth. And the right of way through all unoccupied lots and lands within the limits of said town and adjacent thereto, is hereby declared and granted to the said Town of Grass Valley, for the uses and purposes herein recited.

SEC. 18. The channel of Wolf Creek through said town shall be, and the right of way through the same hereby is declared to be granted to the said Town of Grass Valley for the purposes of sewerage and drainage; and the Board of Trustees of said town

by ordinance may provide, under suitable penalties, for keeping such channel free and clear from all obstructions and nuisances.

Water rights SEC. 19. The right of the town to purchase water rights and ditches shall extend only to such as may be necessary for supplying the said town fully with water.

Removal of officers. SEC. 20. The Treasurer, Assessor, and Marshal, shall be subject to the orders of the Board of Trustees, and in case of malfeasance in office, failure, or neglect of duty, may be removed by a vote of four of the Trustees, after charges duly preferred and tried before the Board. In such case the Board shall make an appointment to fill the vacancy.

Forfeited bail. SEC. 21. The Board of Trustees may provide for the disposition of all money or property deposited as bail for appearance in breach of ordinance cases, when the same shall be forfeited from any cause.

Fire Department SEC. 22. The Board of Trustees shall have the control of all property purchased by the town for the fire department; they shall provide proper and suitable houses for the care and keeping of the apparatus and equipments; and shall audit and allow, as may be just and proper, all bills and accounts for expenses of the fire department, to be paid solely out of the tax provided for their benefit by this Act; and no part of such funds shall be paid out, except by order of the Board of Trustees.

Roads, and Road fund. SEC. 23. The road tax shall be kept separate, and shall be denominated the "Road Fund." All making, grading, laying out, and filling of streets and alleys, shall be done by contract, and shall be given to the lowest responsible bidder, under such restrictions and in such manner as the Board of Trustees shall prescribe; *provided*, that special repairs may be done in the most expeditious manner, by order of the Board of Trustees, or of the President of the Board, in cases of urgency or necessity, under the supervision of the Town Marshal, whose accounts for the work shall be audited by the Board. The Road Fund shall be collected in cash, as other taxes, and shall be apportioned monthly.

Street improvements. SEC. 24. In the public streets already laid out, opened, and used in said town of Grass Valley, or in the public streets which may be hereafter laid out and opened in said town, all expenses for graveling, paving, and planking the sidewalks, and the expense of all works and repairs necessary to keep such sidewalks in good condition, and all expense of graveling, paving, and planking the streets, after such streets shall have been properly graded, shall be assessed upon the owners of lots on each side of the street. Every owner of a lot, whether resident or non-resident, shall be liable for the expense of planking, graveling, or paving the sidewalk in front of his lot. The expense of graveling, paving, and planking the streets shall be assessed upon the owners of lots on each side of such street, and in proportion to the frontage, equitably adjusted, at an assessed rate per foot sufficient to cover and defray the total expense of such work; *provided*, that the Board of Trustees, in their discretion, may appropriate from the Road Fund such proportion of the expenses of such work, (where the street is a common travelled thoroughfare for the public benefit,) as might justly and

equitably be made a common charge upon the Treasury of the town.

SEC. 25. The Board of Trustees, by ordinance, may declare Street Im-
and establish the necessity of any such work and repairs as is provements.
specified in the preceding section of this Act, describing partic-
ularly in such ordinance, the extent, kind, and character of the
work to be done, and fixing the time within which it shall be
done.

SEC. 26. Whenever any such ordinance may be passed, the owner or occupant of the lot may proceed to do the graveling, paving, or planking of the sidewalk, or the graveling, paving, or planking of the street, to the centre of such street in front of such lot or part of lot so owned or occupied, in the manner prescribed, under the direction and control of the said Board of Trustees, and within such time as may be specified in such ordinance. Whenever such work shall not be done by such owner or occupant within the time prescribed, said Board of Trustees may levy an assessment upon all such lots where such work has not been done, sufficient in amount to defray the expense of such work, which assessment shall be levied and collected by suit in the same manner and under the same provisions of law whereby town taxes now are or may be hereafter collected; and every such assessment shall become and hereby is declared to be a lien upon said lots severally, to attach at the date of the publication of any such ordinance.

SEC. 27. All such work herein authorized and required to be done by the Board of Trustees, shall in all cases, when not done by the owner or occupant of the lot, be let out to the lowest bidder offering adequate security. Before giving out any contract to do such work, the Board of Trustees shall cause notice to be inserted in each of the newspapers published in the Town of Grass Valley, for one week, inviting sealed proposals for the work contemplated to be done. Such proposal or proposals shall be opened and examined in public session, and all contracts shall be awarded as hereinbefore provided.

SEC. 28. The Board of Trustees shall provide by ordinance for the construction and keeping in repair of a proper system of sewerage and drainage for said town. They shall also provide for the making of all street crossings, of such style and manner as they may deem proper.

SEC. 29. The Board of Trustees shall have power to establish Pound. a pound for the impounding of stray and loose cattle, hogs, and other animals found at large in said town, and to appoint a Pound Master, who shall have power, with the approval of the Board of Trustees, to appoint a deputy to take charge of the same; and the Board of Trustees shall have power to pass all proper ordinances defining and prescribing the duties of such officers, to prohibit the owners of such cattle and animals from permitting the same to run at large, and to regulate the impounding, sale, or other disposition of cattle and animals so impounded. And the certificate of sale of the Pound Master shall be and hereby is declared prima facie evidence of title to property sold by him under the provisions of the ordinances of said town.

Police. SEC. 30. The Board of Trustees may designate by ordinances such appointed officers of said town who shall be invested with police powers, who shall in that capacity be subject to the orders of the Marshal, and who shall be entitled to receive for making arrests and other services in criminal cases, and in cases arising from breach of any of the ordinances of said town, the legal fees that are now allowed by law to Constables in like cases.

**Taxes made
lien on
property.** SEC. 31. The corporation taxes hereafter to be levied and assessed by the Board of Trustees of said town, shall annually become and are hereby made a lien against the property, both real and personal, assessed and described in the assessment roll of said town, which lien shall attach on the day of the first publication of the ordinance declaring and levying such tax.

**Board of
Equalization** SEC. 32. Upon the return of the assessment roll by the Town Assessor in each year, the Board of Trustees shall give notice by publication in a newspaper published in said town, if one there be, otherwise by notices posted in public places, that such assessment roll is open for inspection, and shall give like notice of the times and places when and where said Board will sit as a Board of Equalization; and at such times said Board shall hear all complaints, may require testimony, and may increase or diminish the assessment of particular persons or property, or add any property that may have been omitted, as may be just and equitable.

**Acts made
applicable.** SEC. 33. The provisions of the Act entitled an Act to provide revenue for the support of the government of this State, approved May seventh, eighteen hundred and sixty-one, and all Acts amendatory thereof and supplementary thereto, in so far as the same are or may be applicable to the levying, assessment, and collection of all taxes and assessments on real and personal property, and of all poll and road taxes and licenses levied and assessed by virtue of any ordinance of the Board of Trustees of said town, shall be and the same are hereby extended to all cases arising under such ordinances; and the said Board of Trustees are hereby authorized to employ an attorney-at-law to prosecute all suits for the collection of delinquent taxes, and other cases arising under the ordinances of said town, who shall be entitled to receive the same compensation for such services as is now allowed to District Attorneys for similar services; provided, that such compensation shall be collected from the defendants, and shall not in any manner become a charge against the Town Treasury.

**Election of
Recorder.** SEC. 34. The Trustees shall have power to order the election of a Recorder at each regular town election, if a majority of them shall deem such an officer necessary, who shall receive for his services the same fees as are or may be allowed by law to Justices of the Peace for the like services.

**Powers and
jurisdiction.** SEC. 35. The Recorder, as to offences committed within the town, shall have like jurisdiction as now is or may hereafter be conferred upon Justices of the Peace: to examine and commit persons brought before him and charged with the commission of offences within the limits of the town; to take recognizances to appear and to keep the peace; to administer, take, and certify all oaths and affirmations in any proceeding before him; and to

issue all such writs and processes as a Justice of the Peace may lawfully do, subject to all the rules governing such officers. The Recorder shall also have jurisdiction in all violations of town ordinances, and may, according to the provisions of such ordinances, hold to bail, fine, or commit to prison any person found guilty of any violation thereof.

SEC. 36. The Board of Trustees shall procure suitable blank receipts or certificates for each kind of tax and licenses, signed by the Clerk, which they shall issue to the Marshal in certain numbers, taking his receipt, and holding him responsible for the same; and no other form of receipts shall be given in such cases.

SEC. 37. The Board of Trustees shall not contract any debt, or debts, or liabilities, either by borrowing money, loaning the credit of the town, pledging the revenue or the faith and credit of the town, (other than as heretofore provided by the Act to authorize the Town of Grass Valley to contract a debt, and to issue bonds for the construction of waterworks to supply said town with water, approved February fourteenth, one thousand eight hundred and sixty-six,) which singly or in the aggregate shall exceed the sum of three thousand dollars.

SEC. 38. On the second Tuesday in April, A. D. eighteen hundred and sixty-six, the present Board of Trustees of the Town of Grass Valley shall be divided by lot into two classes, two of whom shall constitute the first class, and shall hold their offices until their successors are chosen and qualified at the annual election in May, A. D. eighteen hundred and sixty-six; those drawing lots for the second class shall hold their offices until their successors are chosen and qualified at the annual election in May, A. D. eighteen hundred and sixty-seven; and the Trustees so chosen at the annual election in each year, and respectively thereafter, shall hold their offices for two years, and until their successors are elected and qualified; *provided*, that vacancies shall be filled for unexpired terms as hereinbefore specified.

SEC. 39. All acts of the Board of Trustees of said town, and all ordinances heretofore done, passed, and adopted, shall continue in force and validity, and with the same effect as if done and passed by said Board subsequent to the passage of this Act; *provided*, that the same shall not be in conflict with the provisions of this Act nor any general law of this State.

SEC. 40. The provisions of the Act entitled an Act to provide for the collection of delinquent taxes in the City of Nevada, approved February sixth, A. D. eighteen hundred and sixty-four, are hereby extended over, made applicable to, and declared to be in full force and effect in and over the Town of Grass Valley, in the same manner and with the same force and validity as if the said Act was hereby specially re-enacted for the benefit of the said Town of Grass Valley; *provided*, that wherever in said Act the word "City of Nevada" occurs, the same shall be read "Town of Grass Valley," whenever it shall become necessary and requisite to apply the provisions of said Act to the said town.

SEC. 41. This Act shall take effect immediately; and all Acts and parts of Acts in conflict herewith, in so far as the same relate to the Town of Grass Valley, are hereby repealed.

CHAP. CCCXXV.—*An Act to incorporate the Town of Meadow Lake.*

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Incorporation.

SECTION 1. The people of Summit City, County of Nevada, shall be a body politic and corporate, under the style of the Trustees of the Town of Meadow Lake, and by that name they shall have succession, may complain and defend in all Courts, and in all actions and proceedings, purchase, receive, and hold property, and sell or otherwise dispose of the same for their common benefit, from and after June thirteenth, eighteen hundred and sixty-six.

Boundaries.

SEC. 2. The Town of Meadow Lake shall be bounded as follows: Commencing at a point due north one mile from the centre of the junction of Second and B streets; running thence one mile east; thence two miles south; thence two miles west; thence two miles north; thence one mile east to the place of beginning.

Acts made applicable.

SEC. 3. The Act entitled an Act to incorporate the City of Nevada, approved April nineteenth, eighteen hundred and fifty-six, as amended by an Act entitled an Act amendatory of and supplementary to an Act to incorporate the City of Nevada, approved April nineteenth, one thousand eight hundred and fifty-six, approved April tenth, eighteen hundred and fifty-eight, and further amended by an Act entitled an Act supplementary and additional to an Act to incorporate the City of Nevada, approved April nineteenth, one thousand eight hundred and fifty-six, approved April twenty-eight, eighteen hundred and sixty, also an Act entitled an Act to provide for the collection of delinquent taxes in the City of Nevada, approved February sixth, eighteen hundred and sixty-four, are hereby made to apply to the Town of Meadow Lake, so far as they do not conflict with the provisions of this Act.

Election of Trustees.

SEC. 4. J. P. Hardy, J. R. Stewart, N. Gishweller, Isaac Brown, and B. F. Whittemore, or any three of them, are authorized and required to give not less than five days' public notice of an election on the second Wednesday of June, one thousand eight hundred and sixty-six, for the election of town officers provided for in this Act. They shall also appoint three Judges to act at the said election. The said Judges shall give certificates of election to the five persons having the highest number of votes for Trustees. The new Board of Trustees, when organized, shall examine the returns and grant certificates to the persons having the highest number of votes for other town officers.

Annual election.

SEC. 5. The annual election of the Town of Meadow Lake shall be held on the second Wednesday of June, each year.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXVI.—An Act supplementary to and amendatory of an Act entitled an Act to authorize the County of Yuba to donate sixty five thousand dollars to the Yuba Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved February thirteenth, eighteen hundred and sixty-six.

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three is hereby amended so as to read as follows:

Section 3. If at the said election a greater number of the electors of said county voting upon said proposition shall vote "Yes" than shall vote "No," then and in that event is the Board of Supervisors of said County of Yuba, in the name of said county, authorized, empowered, and directed, immediately after the result of said election is so officially declared, to make and execute sixty-five thousand dollars of bonds, being sixty-five bonds in the sum of one thousand dollars each; said bonds to bear interest at the rate of eight per cent per annum from the first day of April, A. D. eighteen hundred and sixty-six, and the principal thereof shall be made payable on a specified day to be named in said bonds, which shall be twenty years from and after the date of their issue, at the office of the Treasurer of the County of Yuba, both principal and interest payable in the gold coin of the United States, dollar for dollar; the interest accruing on said bonds shall be due and payable semi-annually on the first day of January and July of each year, so long as said bonds may remain outstanding unpaid, and shall be made payable at the Treasurer's office in said County of Yuba, on the specified days named in said coupons attached to said bonds; *provided*, that any coupons that may mature prior to the delivery of such bonds, or of any portion of such bonds, shall be detached therefrom and destroyed at the time of the delivery by the parties so issuing and delivering said bonds.

Sec. 2. Section six is hereby amended so as to read as follows:

Section 6. The said Board of Supervisors shall, previous to making out the duplicate or general assessment list of said county in each year, levy a tax to be styled the Yuba Railroad Interest and Sinking Fund Tax, sufficient to raise the amount of interest required to be paid, and to provide a Sinking Fund for the payment of said principal sum of sixty-five thousand dollars, and for every year until said bonds issued under this Act shall be paid and liquidated. The said taxes shall be levied and collected in the same manner as the general taxes for county purposes, and when collected shall be paid to the County Treasurer, to be kept in a separate fund, to be known as the Yuba Railroad Fund, to be by him applied to the payment of the interest as herein provided, and for the redemption and payment of said bonds under the direction of the Board of Supervisors; *provided*, that for the year A. D. one thousand eight hundred and sixty-six, said Board of Supervisors may levy said Sinking and Railroad Fund.

Interest Fund Tax at any regular or special meeting of said Board which may be held by them prior to the making out and completing the assessment roll of said county.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCXXVII.—*An Act in relation to the levying of county taxes in the County of San Joaquin.*

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Rate of taxation.

Proviso.

County tax.

SECTION 1. The Board of Supervisors of the County of San Joaquin are hereby empowered to fix the rate of all taxes (State taxes excepted) at any time within thirty-five days after the completion of the assessment roll by the County Assessor; the rates so fixed not to exceed the limits prescribed by law; provided, that the taxes upon personal property belonging to persons not owning real estate in the county, and required by law to be assessed and collected before the completion of the assessment roll, or while the assessment is progressing, shall be levied at the time now required by law, at a rate or percentage for each specific tax approximating as near as may be to the rate which the Board will probably levy upon the whole assessment roll after its completion. If the amount so levied and collected on such personal property shall exceed the rate finally fixed and levied upon the whole assessment roll, the excess shall be refunded to the person paying it at any time within sixty days after the rate of the general tax has been fixed and levied as aforesaid, on application and by order of the Board of Supervisors.

SEC. 2. The Board of Supervisors shall have power to levy for general county purposes a tax not to exceed twenty cents on each one hundred dollars of all taxable property upon which the State tax in said county is levied.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCXXVIII.—*An Act to aid the County of Klamath in repairing and improving a road and trail from Trinidad to Sawyer's Bar in said county.*

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Treasurer of Klamath County shall on the first day of April, A. D. one thousand eight hundred and

sixty-six, and on the first day of each month thereafter, for a term of two years from and after the passage of this Act, retain and set aside the State's portion of all money collected in said county arising from the sale of foreign miners' licenses during the preceding month; *provided*, the amount so retained and set aside shall not exceed in the aggregate the sum of six thousand dollars.

SEC. 2. It shall be the duty of the County Treasurer of said county to place the money so retained and set aside in a separate fund, to be known as the Special Road Fund of said county, and shall be expended under the direction of the Board of Supervisors of said county in the manner hereinafter directed for the repair and improvement of a trail or road from Trinidad, via Orleans Bar, to Sawyer's Bar, and for building bridges on the line of said road.

SEC. 3. It shall be the duty of the Board of Supervisors of said county at their regular session for the month of May, A. D. one thousand eight hundred and sixty-six, to divide said trail or road into sections or districts; *provided*, that no single section shall exceed fifteen miles in length.

SEC. 4. The repairing and improving of said trail or road, and the building of bridges on the line of said road, as the Supervisors of said county may deem necessary, shall be done under contract awarded to the lowest responsible bidder; *provided*, that no contract shall include more than one section of said road, or more than one bridge on the line of said road.

SEC. 5. It shall be the duty of the Clerk of the Board of Supervisors of said county, at such times as the Board of Supervisors may direct, to give thirty days' notice by publication in some newspaper having general circulation in said county, that he will up to a day named in such notice, receive sealed proposals for repairing and improving such sections of said road, or building such bridges on the line of said road, as such notice may designate; and such notice shall specify the nature of the work to be performed, the manner in which it shall be done, and the time allowed for its completion.

SEC. 6. On the day named in such notice for opening the sealed proposals called for, the Clerk of the Board of Supervisors, together with the Treasurer and District Attorney of said county, shall attend at the office of the said Clerk of the Board of Supervisors, and then and there open all proposals, and accept the lowest bid; *provided*, that they may reject all bids, should they deem them exorbitant.

SEC. 7. When any person or persons to whom contracts have been awarded in pursuance of the provisions of this Act shall have fulfilled said contract or contracts in a manner satisfactory to the Board of Supervisors of said county, the said Board of Supervisors shall issue an order directing the County Treasurer to pay out of any money in the Special Road Fund of said county the amount of such contract or contracts, and such order, together with the record of the County Auditor, shall be sufficient voucher for the County Treasurer in the settlement of his account.

SEC. 8. The Controller and Treasurer of State are hereby authorized and required to settle with the County Treasurer of Klamath County for the State's portion of all money arising from

Moneys to
be retained.

Improvement-
ment of roads

Road
districts.

Contracts.

Notice.

Acceptance
of bid.

Settlement
with State.

the sale of foreign miners' licenses in accordance with the provisions of this Act.

SEC. 9. This Act shall take effect and be in force from and after the first day of February, A. D. one thousand eight hundred and sixty-six, and shall remain in full force and effect for the period of two years.

CHAP. CCCXXIX.—*An Act for the relief of Solomon Crown.*

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropria-
tion.

SECTION 1. The sum of two hundred and eighty-nine dollars is hereby appropriated out of any money in the General Fund not otherwise appropriated, and the Controller of State required to draw his warrant for said amount in favor of Solomon Crown, or to his order, the same being the value of certain tax receipts and public moneys taken from said Solomon Crown by a highway robbery at the County of Nevada on the twenty-ninth day of September, eighteen hundred and sixty-four.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCXXX.—*An Act for the relief of Del Norte County.*

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropria-
tion.

SECTION 1. The sum of twelve hundred and seven dollars and sixty cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of Del Norte County for expenses necessarily incurred by the Coroner of said county for interring sundry dead human bodies washed ashore from the steamer Brother Jonathan, said steamer having been wrecked near Crescent City, on the thirtieth day of July, eighteen hundred and sixty-five; and the Controller of State is hereby authorized and directed to draw his warrant on the State Treasurer in favor of the Treasurer of Del Norte County for the sum of twelve hundred and seven dollars and sixty cents, and the Treasurer of State is authorized to pay the same.

To be paid
into General
Fund.

SEC. 2. It shall be the duty of the Treasurer of Del Norte County to pay into the General Fund of said county all money received by him from the Treasurer of State under the provisions of this Act.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXXI.—An Act supplementary to and amendatory of an Act concerning the official bonds of officers, passed February twenty-eighth, eighteen hundred and fifty, and an Act concerning sureties on official bonds, approved May eighteenth, eighteen hundred and fifty-three, and all Acts amendatory of and supplementary to said laws.

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever, from any cause, one or more sureties ^{Supplemental bond.} on the official bond required to be given by any officer elected or appointed under the laws of this State shall withdraw from said bond, or become insolvent, or from other cause become incompetent to remain as surety or sureties thereon, it shall be lawful for such officer to file a supplemental bond, to be executed and approved in the same manner as the original bond, for the amount for which the said surety or sureties so withdrawing or being incompetent from any cause were severally bound by the original bond.

SEC. 2. The release, discharge, voluntary withdrawal, or incompetency of one or more sureties on any official bond required as aforesaid, shall not affect the bond as to the remaining sureties thereon, or alter or change their liability in any respect whatever; *provided*, that whenever any one or more sureties on any official bond shall give notice of his or their intention to withdraw therefrom according to law, or shall be removed or become otherwise incompetent, the principal on said bond shall, within a reasonable time, not to exceed ten days after such notice or disqualification, execute and file, subject to the same conditions as the original, a supplemental bond, wherein shall be recited the names of the remaining original sureties, and the name or names of the surety or sureties, and the respective amounts for which he or they may become bound, who may be substituted in lieu of the surety or sureties released or disqualified; and, *provided*, further, that whenever the original bond ^{Proviso.} shall be given in an amount in excess of the sum required by law, if the withdrawal or removal of any surety or sureties shall not reduce the amount required by law to be secured by sureties, then no supplemental or additional bond shall be required or necessary; and whenever any supplemental bond is ^{Publication of notice.} so filed and approved, it shall be the duty of the County Clerk to give ten days notice by publication in some paper published in the county, or if there be no paper in the county, then the notice shall be published in the county nearest thereto in which a newspaper is published, of the fact of the filing of the said bond, and the name or names of the party or parties withdrawing from the former, and the substitutes on the new bond; and, *provided*, further, that until the filing and approval of the supplemental bond, the sureties on the former bond shall be held liable for all the acts of their principal.

SEC. 3. This Act shall not apply to any official bond heretofore executed, filed, or approved, and shall only apply to bonds to be executed, approved, and filed after the passage of this Act.

SEC. 4. This Act shall take effect immediately.

CHAP. CCCXXXII.—*An Act to authorize the issuance of certain duplicate bonds to A. W. Pitcher, of Madison, Indiana.*

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

*Issuing of
duplicate
bonds.*

SECTION 1. The Treasurer of State is authorized and required to issue to A. W. Pitcher, of Madison, in the State of Indiana, two duplicates of certain bonds issued under the Act entitled an Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April twenty-eighth, eighteen hundred and fifty-seven, as follows, to wit: a duplicate of bond Number One Hundred and Fifty (150,) bearing date February fifteenth, eighteen hundred and fifty-eight, for one thousand dollars; also a duplicate of bond Number Six Hundred and Ninety (690,) bearing date April first, eighteen hundred and fifty-eight, for one thousand dollars, together with coupons attached to each of said duplicates for interest due and unpaid from and after the first day of July, A. D. one thousand eight hundred and sixty-five; *provided*, that before the issuance of said duplicate bonds, or either of them, the said A. W. Pitcher shall make, execute, and deliver to the State, in manner and form required by law to make the same good and effectual, a bond of indemnity in the sum of four thousand dollars, to be approved by the Treasurer, and the Attorney-General, and the Controller, and so conditioned as to fully indemnify the people of this State against all and any loss or damage whatsoever by reason of the issuance and payment of such duplicate bonds aforesaid, or of any part thereof, or of any payment of interest on coupons thereto attached, and with such other or further conditions (if any) as the said State officers aforesaid may require.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCXXXIII.—*An Act to authorize the Guardian of Mary A. La Rue to mortgage her estate.*

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

*Authority to
mortgage.* SECTION 1. The guardian of Mary A. La Rue, under the direction of the Probate Court of Sacramento County, shall have

power to borrow a sufficient sum of money to pay the debts of James A. La Rue, the father of said minor, and to secure the same by mortgage upon the real estate devised to said Mary A. La Rue by her said father.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCXXXIV.—*An Act to authorize the printing and distribution of certain laws and blanks.*

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Immediately after the passage of this Act the Governor shall cause to be collated and printed in pamphlet form, the Registry Act, the constitutional provisions regulating the qualifications of voters, and the general laws in force regulating elections. He shall also cause to be prepared and printed ^{Registry and election laws to be printed.} Blanks. a sufficient number of the proper blank forms to be used by Assessors under the provisions of section five of the Registry Act, and blank forms for the poll lists to be made out under the provisions of said Act. The Governor shall cause said pamphlet to be translated into Spanish, and cause such proportion of the whole number to be printed in Spanish as he may deem necessary.

SEC. 2. The said pamphlet and blanks shall be transmitted ^{Distribution} to the several County Clerks throughout the State in numbers apportioned to each county according to its proportionate number of voters, as near as may conveniently be estimated. The County Clerk shall from time to time deliver to the proper officers who are to use them a sufficient number of said blank forms, and shall deliver two copies of said printed pamphlet to each Assessor, to each of the several Clerks and Judges of Elections, when appointed, and one copy to each of the other public officers in the county, acting under authority of the State, and reserving a sufficient number for distribution afterwards among the Assessors and officers of elections; shall distribute the rest as the Board of Supervisors shall direct.

SEC. 3. The expense incurred under authority of this Act shall be paid out of the State Treasury and out of the General Fund, the same being first duly examined, allowed, and audited, like other lawful demands payable out of the Treasury.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXXV.—An Act supplementary to an Act entitled an Act to provide for the appointment and prescribe the duties of Guardians, passed April nineteenth, eighteen hundred and fifty.

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Care and education of minors.

SECTION 1. Whenever any person shall be appointed guardian of a minor, the Probate Judge may, with the consent of such person, insert in the order of appointment, conditions not otherwise obligatory, providing for the care, treatment, education, and welfare of the minor; and such conditions shall be deemed to be a part of the duties of the trust of such guardian, and for their faithful performance he and the sureties on his bond shall be responsible.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCXXXVI.—An Act supplementary to the various Acts now in force respecting foreign miners' licenses.

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

County Treasurer and Auditor to sign foreign miners' licenses.

SECTION 1. The County Treasurer of each county to whom any foreign miners' licenses shall be issued and delivered by the Controller of State, shall, before delivering any such license to the County Auditor, countersign the same, and the County Auditor shall also himself sign every such license before delivering the same to the Tax Collector; and, after the fifteenth day of June next no foreign miners' licenses shall be delivered to any Tax Collector, or be used, except such as shall be signed by the County Treasurer and Auditor as aforesaid.

Controller's signature.

SEC. 2. Every foreign miner's license, or other license, or poll tax receipt, which shall be issued and forwarded, or delivered by the Controller of State to the County Treasurers, pursuant to the requirements of law, shall be signed by the Controller personally, with his own proper signature, or by such regular Clerk in his office as may be by him designated and appointed for that purpose, who shall sign the same with his own proper name and signature, and with the official description "License Clerk" attached, under the printed or written name or proper signature and official designation of the Controller.

Blank licenses.

SEC. 3. The Controller shall cause to be prepared and printed from time to time a sufficient number of blank licenses and receipts which shall conform to the provisions of this Act, and shall notify and require the several County Treasurers who have been furnished and charged with foreign miners' licenses to

return all unsold licenses on or before the fifteenth day of June next.

Sec. 4. This Act shall take effect from and after its passage.

CHAP. CCCXXXVII.—An Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty.

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The twenty-second section of an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty, is hereby amended so as to read as follows:

Section 22. Any estate, right, or interest in lands acquired by the testator after the making of his will, shall pass thereby and in like manner as if it passed at the time of making the will, if such shall manifestly appear by the will to have been the intention of the testator. Every will made in express terms, devising or in any other terms denoting the intent of the testator to devise all the real estate of such testator, shall be construed to pass all such real estate which such testator was entitled to devise at the time of the decease of such testator.

Sec. 2. This Act shall take effect from and after its passage.

CHAP. CCCXXXVIII.—An Act to amend an Act entitled an Act to amend an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three.

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. Section twenty-one of the above mentioned Act is hereby amended so as to read as follows:

Section 21. The Counties of Klamath, Sacramento, Sutter, Placer, San Joaquin, Humboldt, Plumas, Nevada, Trinity, Mendocino, and Butte, and all incorporated cities and towns, are exempted from the provisions of this Act; provided, that the City of Marysville shall be subject to the provisions of section thirteen until the first Monday of March, A. D. one thousand eight hundred and sixty-eight; and further provided, that for the year commencing the first Monday of March, A. D. one

thousand eight hundred and sixty-six, the Board of Supervisors in and for the County of Yuba may levy, and are hereby authorized and required to levy said taxes, either at a special meeting of the Board for that purpose, or at a regular meeting thereof, as the necessity of the case may require; and the Counties of Sonoma and Marin from the provisions of the thirteenth to the twentieth section, inclusive; and the County of Sierra from the provisions of the thirteenth to the eighteenth sections, both inclusive. This Act shall not apply to the City and County of San Francisco, except so much of it as provides for the location, alteration, or vacation of any road or highway; and said portion of this Act shall only apply to road districts which may be established in the eleventh and twelfth election districts of said city and county.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXXIX.—*An Act to authorize the Controller of this State to issue a duplicate warrant to the Bengor Guards.*

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Duplicate warrant. SECTION 1. The Controller of State is hereby authorized and required to issue a duplicate of Controller's warrant Number Twelve Thousand Five Hundred and Seventy-five, for the sum of two hundred and ninety-five dollars, upon presentation by the proper party of an indemnifying bond, properly securing the State against loss by or through the original warrant.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCXL.—*An Act to authorize the issuance of a duplicate bond of the State of California to the legal representatives of Jean D. Bodinier, deceased.*

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Issuing of duplicate bond. SECTION 1. The Governor, Controller, and Treasurer, are hereby authorized and required to execute, issue, and deliver to the legal representatives of Jean D. Bodinier, deceased, a duplicate of a bond, and the unpaid coupons thereof, for the principal sum of one thousand dollars, and numbered One Thousand Seven Hundred and Thirty-five, (No. 1,735,) issued under an Act entitled an Act to provide for paying certain claims against the State of California, and to contract a funded debt for that purpose,

approved April twenty-eighth, eighteen hundred and fifty-seven; provided, that before the delivery of said duplicate bond, a good and sufficient bond of indemnity, with proper sureties, to be approved by the Treasurer, Controller, and Attorney-General, shall be executed and delivered to the State, so as to fully secure and indemnify the people of this State against all and any loss that may occur in consequence of the issuance of said duplicate bond or coupons.

SEC. 2. This Act shall go into effect immediately.

CHAP. CCCXLII.—*An Act to pay the expenses of the survey of the Yosemite Valley and Mariposa Big Tree Grove.*

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of twenty-three hundred and sixty-eight dollars and forty cents is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay the claim of J. D. Gardner for expenses in surveying the Yosemite Valley and Big Tree Grove.

SEC 2. The Controller of State is hereby directed to allow, and the Treasurer to pay out of the General Fund, to J. D. Gardner, or his legal representatives, the amount specified in section one.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCXLIII.—*An Act to provide for a system of Common Schools.*

[Approved March 24, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

STATE BOARD OF EDUCATION.

SECTION 1. There shall be a State Board of Education, which shall consist of the Governor, the Superintendent of Public Instruction, the Principal of the State Normal School, the Superintendent of Public Schools of the City and County of San Francisco, the Superintendents of Common Schools of the respective Counties of Sacramento, Santa Clara, and San Joaquin, and of two professional teachers, who shall be nominated by the Superintendent of Public Instruction, and elected by and with the advice and consent of said Board; provided, that no teacher shall be eligible to such election unless he is the holder

Meetings. of a State educational diploma. For the purpose of the primary organization of the Board, any five members may meet at the call of the Superintendent of Public Instruction, and elect the members to be elected. The elective members shall hold office for the term of four years, dating from the first day of July next succeeding their respective elections. The Governor shall be the President, and the Superintendent of Public Instruction the Secretary of the Board, and five members shall constitute a quorum for the transaction of business; *provided*, that a majority of the votes of the whole Board shall be necessary for the passage of any measure. The Board shall meet at the call of the Secretary, and shall hold at least two meetings in each year; and its proceedings shall be kept in a record book, which shall be a part of the archives of the Department of Instruction. No member of said Board shall receive any compensation for his services; but any stationery required for the Board shall be furnished from the office of the Secretary of State, and any printing required by it under the provisions of this Act shall be done by the State Printer.

Powers. SEC. 2. The State Board of Education shall have power to adopt a course of study, and rules and regulations for all public schools in the State; *provided*, that such rules shall not be enforced in conflict with special rules and regulations adopted by the Board of Education of any city or any city and county; to adopt and prescribe regulations and a list of books suitable for district school libraries; to grant teachers' life diplomas, and prescribe regulations for the examination of teachers by State, City, or County Boards of Examination; to adopt a uniform State series of text books to be used in all public schools; to have and use a common seal; and to authorize the printing by the State Printer of all regulations and circulars necessary to carry their provisions into effect.

OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Election. SEC. 3. The Superintendent of Public Instruction shall, at the special election for judicial officers to be held in the year eighteen hundred and sixty-seven, and every four years thereafter at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election. He shall be paid a salary of three thousand dollars per annum, and shall have power to appoint a Clerk, who shall be paid a salary of eighteen hundred dollars per annum, and who shall be authorized to act as Deputy Superintendent.

Biennial report, and distribution thereof. SEC. 4. The Superintendent of Public Instruction shall report to the Governor biennially on the first of November of the years in which the regular session of the Legislature is held. The Governor shall transmit said report to the Legislature, and whenever it is ordered published the State Printer shall bind two hundred and forty copies and deliver them to the Superintendent, who shall deposit twenty copies in the State Library, furnish one copy to each County Superintendent, to be held by him as public property and delivered to his successor in office; the remaining copies shall be distributed—one to the State

Library of each State and Territory, and the others to such cities, institutions of learning, and persons, as he may deem proper. The Legislature shall furnish at least two thousand pamphlet copies to the Superintendent, who shall furnish one copy to each district library, and shall distribute the remainder as he may deem advisable to school officers or other persons. Said report shall contain a statement of the condition of public schools in the State; full statistical tables, by counties, showing, among other statistics, the number of school children in the State, the number attending public schools, and the average attendance; the number attending private schools, and the number not attending school; the amount of State School Fund apportioned, and the sources from which derived; the amount raised by county and district taxes, by rate bills, or from other sources of revenue for school purposes; the amount expended for salaries of teachers, and for building school houses; a statement of plans for the management and improvement of schools; a statement of the condition of the State Normal School, of the State Agricultural College, of all incorporated literary institutions required to report to him; of the educational departments of the State Reform School, the Asylum for the Deaf and Dumb and Blind, and the several Orphan Asylums, and other educational institutions to which State appropriations may be made.

SEC. 5. The Superintendent of Public Instruction, immediately after the State Controller reports to him, as required in this Act, shall apportion to the several school districts, counties, and cities, the school moneys to which each may be entitled, and shall furnish to the State Controller, the State Board of Examiners, to each County Treasurer and Superintendent, an abstract of such apportionment, and shall draw his order on the State Controller in favor of each County Treasurer for the amount of State School Fund to which such county is entitled, and shall take each Treasurer's receipt for the same.

SEC. 6. The Superintendent of Public Instruction shall prepare and cause to be printed suitable forms for making all reports, and conducting all necessary proceedings under this Act, and shall transmit them to the local school officers and teachers, who shall be governed in accordance therewith. He shall furnish the State Board of Education, the State Board of Examination, and each County Board of Examination with suitable diplomas and certificates, and shall prepare a State school register, which shall be furnished to each school and school district in the State. He shall cause all school laws to be printed in a pamphlet form, and shall annex thereto forms for making reports and conducting school business; the course of study, rules and regulations, and list of text books and library books adopted and prescribed by the State Board of Education; and such suggestions on school architecture as he may deem useful, with such woodcuts and plans of school houses as he may be able to obtain, or which may be provided by State appropriation. He shall order printed a number of copies sufficient to supply each school officer and teacher, and each school library with at least one copy thereof, and to furnish with one copy

each Superintendent of Public Instruction, and each State Library of each State and Territory in the United States, and shall so distribute them.

Appropriations for binding reports, etc. SEC. 7. The Superintendent of Public Instruction shall file, arrange, and cause to be bound in a substantial form all valuable printed and manuscript reports in his office relating to the early educational history of this State, and shall cause to be bound all valuable school reports, school journals, and school documents of this and other States which may be sent to his office, and shall retain them as part of the archives of his office; and such sum as may be necessary, not to exceed two hundred and fifty dollars, is hereby annually appropriated and set apart out of the State School Fund, before apportionment, and the Controller is hereby authorized and directed to draw his warrant for such sums as may be allowed and audited by the State Board of Examiners for the objects of this section.

Superintendent to visit educational asylums, etc. and report. SEC. 8. The Superintendent of Public Instruction shall be ex officio one of the Trustees of the Asylum for the Deaf and Dumb and Blind, and of the State Reform School; and shall visit those institutions from time to time to inquire into their management and the systems of instruction pursued therein, and shall make a biennial report thereof. He shall visit the several Orphan Asylums to which State appropriations are made, and report concerning the instruction given to the children therein; and shall also visit, as far as may be practicable, the several incorporated literary institutions in the State, and make such report thereof as he may deem proper.

To make tour for visiting schools. SEC. 9. It shall be the duty of the Superintendent of Public Instruction to travel in the different counties of the State, so far as is possible without neglecting his other official duties, during at least four months of each year, for the purpose of visiting schools, of consulting with County Superintendents, of lecturing before County Institutes, and of addressing public assemblies on subjects pertaining to public schools; and the actual travelling expenses incurred by the Superintendent in the discharge of this duty shall be allowed, audited, and paid out of the General Fund in the same manner as claims upon said fund are now allowed, audited, and paid; *provided*, that the sum so expended in any one year shall not exceed one thousand dollars; and the sum of two thousand dollars, or so much thereof as may be necessary, is hereby biennially appropriated for payment of the same.

Shall deliver property to successor. SEC. 10. The Superintendent of Public Instruction shall, at the expiration of his term of office, deliver over, on demand, to his successor, all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office.

OF THE STATE CONTROLLER.

School Fund accounts, reports, etc. SEC. 11. The State Controller shall keep a separate and distinct account of the School Fund, and of the interest and income thereof, together with such moneys as may be raised by special State tax, State poll tax, or otherwise, for school purposes. He shall, on or before the first day of February of each year, report

to the Superintendent of Public Instruction a statement of the securities belonging to the School Fund, of the moneys in the Treasury subject to apportionment, and the several sources from which they accrued, which reports shall be included in the biennial report of the State Superintendent. He shall draw his warrant on the State Treasurer in favor of any County Treasurer whenever such County Treasurer shall present the order drawn by the Superintendent of Public Instruction in favor of such county, duly indorsed by said County Treasurer.

OF THE STATE TREASURER.

SEC. 12. It shall be the duty of the State Treasurer to receive ^{Payment of} _{State school} _{moneys.} and hold as a special deposit all school moneys paid into the Treasury, and pay them over whenever applied for, only on the warrant of the State Controller, issued on the order of the State Superintendent, attested by the seal of the State Board of Education, in favor of each County Treasurer, which orders, duly indorsed by the County Treasurer, shall be the only valid vouchers in the hands of the State Controller for the disbursement of the school moneys; *provided*, that for the payment of subscriptions for a State educational journal, and for binding documents in the office of the Superintendent of Public Instruction, as elsewhere provided in this Act, the bills audited by the State Board of Examiners for such purposes shall be valid vouchers, for which the Controller shall draw his warrant the same as for the orders of County Treasurers. No mileage or allowance of any kind shall be made to any County Treasurer for receiving said school moneys and transporting them to his county.

COUNTY TREASURER.

SEC. 13. It shall be the duty of the County Treasurer of each ^{Duty as to} _{School Funds} county:

First—To receive and hold all school moneys as a special deposit, and to keep a separate account of their disbursement to the several school districts which shall be entitled to receive them, according to the apportionment of the Superintendent of Public Instruction and the County Superintendent of Common Schools;

Second—To notify the County Superintendent of Common Schools of the amount of State School Fund in the County Treasury subject to apportionment, and whenever required, to inform said Superintendent of the amount of school moneys subject to apportionment;

Third—To pay all warrants drawn on State or county school moneys, in accordance with the provisions of this Act, whenever such warrants are countersigned by the County Auditor and properly indorsed by the holders;

Fourth—To make annually, on or before the first day of August, a financial report for the last preceding school and fiscal year, to the Superintendent of Public Instruction, in such form as may be required by him.

COUNTY SUPERINTENDENT.

Election, term of office, and bond. SEC. 14. A County Superintendent of Common Schools shall be elected in each county, at the general election in the year eighteen hundred and sixty-seven, and every two years thereafter, who shall take office on the first Monday in March next succeeding his election, and hold for two years, and until his successor is elected and qualified. He shall take the oath or affirmation of office, and shall give an official bond to the county, in a sum to be fixed by the Board of Supervisors of said county.

Apportionment of school moneys. SEC. 15. The County Superintendent shall apportion all school moneys to the school districts in accordance with the provisions of this Act, as soon as practicable after the State apportionment has been made, and shall make quarterly apportionments thereafter; and he may make apportionments at such other times as may be required by special laws, or deemed necessary for the convenience of school officers. He shall draw his warrant on the County Treasurer in favor of persons entitled to receive the same; *provided*, that no such warrant shall be drawn against the School Fund of any city, town, or district, without an order of the Board of Trustees, or Board of Education, showing for what purpose the money is required; and, *provided*, further, that no such warrant shall be drawn unless there is cash in the Treasury to the credit of said city, town, or district.

Warrants. SEC. 16. The County Superintendent shall have power and it shall be his duty:

First—To visit each school in his county at least once a year;
Second—To distribute promptly all reports, forms, laws, circulars, and instructions which he may receive for the use of school officers from the Department of Instruction or the State Board of Education;

Third—To report to the Superintendent of Public Instruction annually, on or before the twentieth of August, for the school year ending on the last day of June next preceding, such statistics as may be required by him or by the State Board of Education;

Fourth—To preside over County Teachers' Institutes;

Fifth—To enforce the course of study and the use of text books adopted by the State Board of Education;

Sixth—To enforce the rules and regulations required in the examination of teachers;

Seventh—To keep on file and preserve in his office the biennial reports of the Superintendent of Public Instruction, and a file of the State educational journal adopted in pursuance of law;

Eighth—To keep a record of his official acts, and of the acts of the County Board of Examination;

Ninth—To carefully preserve all reports of school officers and teachers, and at the close of his official term deliver to his successor all records, books, documents, and papers belonging to the office, taking a receipt for the same, which shall be filed in the office of the County Clerk.

Penalty for failure to make reports. SEC. 17. If the County Superintendent fails to make a full and correct report to the Superintendent of Public Instruction of all statements required to be made by law, he shall forfeit the sum of one hundred dollars from his salary; and the Board of

Supervisors are hereby authorized and required to deduct therefrom the sum aforesaid, upon information from the Superintendent of Public Instruction that such returns have not been made.

Sec. 18. The County Superintendent shall have power to administer oaths and affirmations to School Trustees, Marshals, Assessors, Collectors, Teachers, and other persons, in all official matters connected with or relating to schools, but shall not have power to make or collect any charge or fee for so doing.

Sec. 19. The County Superintendent shall have power and it shall be his duty to appoint Trustees for any district which from any cause fails to elect at the regular time; to appoint Trustees to fill vacancies; to appoint Trustees for any new district; *provided*, however, that when a new district is organized, such of the Trustees of the old district as reside within the limits of the new one shall be Trustees of the new one, and the vacancy in the old district shall be filled by appointment.

Sec. 20. The Superintendent shall, whenever he deems it necessary for the health or comfort of pupils, require the Trustees of any school district to repair the school buildings or property, or to abate any nuisance in or about the premises; *provided*, such repairs or abatement can be done for a sum not exceeding fifty dollars, and there is a sufficient amount of money in the Treasury to the credit of the district. He shall also in all cases require the Trustees to provide such privies and outhouses as decency requires; and if the Trustees refuse or neglect to make such provision, he shall cause it to be done, and shall pay for it on his own warrant out of any money to the credit of the district.

Sec. 21. Whenever the number of school districts in any county is ten or more, the County Superintendent shall hold at least one Teachers' Institute in each year; and every teacher employed in a public school in the county shall attend every such Institute and participate in its proceedings.

Each session of a County Institute shall continue not less than three nor more than five days; and the Superintendent shall, if practicable, secure lecturers and instructors competent to instruct teachers in the theory and practice of teaching. Every Board of Trustees and every Board of Education shall not only allow but shall require the teachers in its employ to attend every Teachers' Institute held in the county; and when the Institute is held during the time that teachers may be employed in teaching, their pay shall not be diminished by reason of attendance on said Institute. For the payment of the expenses of the Institute, a sufficient sum, not exceeding one hundred dollars in any one year, shall be paid on the warrant of the Superintendent, out of the unapportioned County School Fund. The Superintendents of two or more counties may unite and hold a joint Institute, in which case the expenses shall be apportioned by the Superintendents between the counties joining in the Institute. In any county in which there are less than ten school districts, the Superintendent may, if he deem proper, hold an Institute. Any county in which the teachers have a regularly organized County Association or Institute, and hold regular monthly meetings during the year, shall be excepted from the provisions of this section whenever a majority of the

No fee for
administer-
ing oath.

Appoint-
ment of
District
Trustees.

Repairs, out-
houses, etc.

Teachers'
Institutes.

Payment of
expenses.

teachers of said county shall determine by vote to sustain such monthly associations.

Works on
school
architecture

SEC. 22. The County Superintendent shall furnish his office with such works on school architecture as may be prescribed by the State Board of Education, and shall pay for them on his own warrant, out of the unapportioned County School Fund. Such works shall be kept in his office for the use of Trustees and teachers. Except in cities having special Boards of Education, no school house shall be erected unless the Trustees first submit the plan to the County Superintendent; and in all plans, as far as practicable, regard shall be had to taste, convenience, durability, and economy.

District
schools to be
kept open.

SEC. 23. If at any time when there is sufficient money in the County Treasury to the credit of any school district to keep a school open in said district for a period of five months, and if the Trustees of such district, from any cause whatever, fail, neglect, or refuse to open such school, and keep it open, the County Superintendent shall appoint a teacher, and cause the school to be opened and kept open, and he shall pay therefor by his warrant on the fund to the credit of the district.

Payment of
claims.

SEC. 24. It shall be the duty of the County Superintendent of each county to draw his warrant on the County Treasurer for any bill in favor of any school district, duly signed by the Trustees and authorized by the provisions of this Act, and to draw his warrant in his own favor on the unapportioned county school money for the payment of members of the County Board of Examination; for the expenses of an annual County Institute; for the binding of school documents, not to exceed twenty dollars a year; for postage and expressage for his office, not to exceed one dollar for each district in his county; and for any other incidental expense of his office which may be authorized in this Act.

Boundaries
of school
districts.

SEC. 25. It shall be the duty of every County Superintendent to inquire and ascertain whether the boundaries of school districts in his county are definitely and plainly described in the records of the Board of Supervisors; and to keep in his office a full and correct transcript of such boundaries. In case the boundaries of districts are conflicting or incorrectly described, he shall change, harmonize, and describe them, and make a report of such action to the Supervisors; and on being ratified by the Supervisors, the boundaries and descriptions so made shall be the legal boundaries and descriptions of the districts of that county. For searching and transcribing such records, and equalizing district boundaries, he may be allowed by the Supervisors a sum not exceeding five dollars per day for each day's labor, to be paid out of the County School Fund. The County Superintendent, if he deem it necessary for the guidance of School Census Marshals, may order the descriptions of the district boundaries to be printed in pamphlet form, and pay for the same out of the County School Fund.

Salary, and
travelling
expenses of
Super-
intendent.

SEC. 26. Each County Superintendent, except when otherwise provided by statute, shall receive such salary and his reasonable travelling expenses, to be estimated by the Board of Supervisors, and as may be allowed by the Board of Supervisors, which shall be paid out of the County General Fund in the same

manner as other salaried county officers are paid; *provided*, that such compensation shall not be less than a sum equal to twenty dollars for each school district in his county, and that he shall be allowed, in addition to his salary, a sum for postage and expressage, payable out of the County School Fund, equal to one dollar for each school district.

OF SCHOOL DISTRICTS.

SEC. 27. Each county, or city, or incorporated town, shall constitute one school district, unless districts are otherwise determined and established by the Board of Supervisors or the proper city authorities.

SEC. 28. For the purpose of organizing a new district, or for a subdivision of or change in the boundaries of an old one, except as provided in section twenty-five, at least ten heads of families must present a petition to the County Superintendent, setting forth the boundaries of the new district asked for, or the change of boundaries desired, with reasons for the same. The County Superintendent shall transmit the petition to the Board of Supervisors, with his approval or disapproval, and such changes in the boundaries as he may deem necessary or advisable. The Supervisors shall establish the district as approved by the County Superintendent; *provided*, that by a unanimous vote of the whole Board they may establish the district in accordance with the original prayer of the petition, or with such modifications as they may choose to make, or may reject it.

SEC. 29. No new district formed by the subdivision of an old one shall be entitled to any share of the public moneys belonging to the old district, until a school has been actually commenced in such new district; and unless within four months from the action of the Supervisors a school is opened, then the action making a new district shall be void; and all elections or appointments of Trustees made in consequence of such action, and all rights and offices of the parties so elected or appointed shall cease and determine; and all taxes which may have been levied in such old district shall be valid and binding upon the real and personal property of the new district, and shall be collected and paid into the School Fund of the district.

SEC. 30. When a new district is formed by the division of an old one, it shall be entitled to a just share of the school moneys to the credit of the old district, after the payment of all outstanding debts at the time when a school was actually commenced in such new district; and the County Superintendent shall divide and apportion such remaining moneys, and such as may afterwards be apportioned to the old district, according to the number of census children resident in each district, for which purpose he may order a census so be taken.

SEC. 31. Whenever a district is formed lying partly in two adjoining counties, the Census Marshal shall report to each County Superintendent the number of children in the district residing in his county. In the same manner the Trustees and teacher shall make a distinct and separate report of all school statistics; and a teacher's certificate granted by the Board of Examination of one county shall be valid for both counties.

Union grammar schools. SEC. 32. Any two or more adjoining districts may, by concurrent vote, agree to establish a union grammar school for the more advanced children of such districts, under the joint supervision of the Trustees, or a committee of Trustees of such districts; and such school shall be entitled to its pro rata of public moneys belonging to such united districts, apportioned according to the average number of scholars attending such school from each district. Said joint committee of Trustees shall have power to assess rate bills, to appoint teachers, and to manage the general business affairs of the school.

School property exempt from tax, etc. SEC. 33. All school property owned by any district, town, or city, and devoted to school purposes, shall be and the same is hereby exempted from taxation, and from sale on any execution, or other writ or order in the nature of an execution.

Custody and disposition of school property. SEC. 34. The Board of Trustees of each school district shall have custody of all school property belonging to the district, and shall have power in the name of the district, or in their own names as Trustees of the district, to convey by deed all the interest of their district in or to any school house or lot directed to be sold by vote of the district; and all conveyances of real estate made to the district or to the Trustees thereof shall be made to the Board of Trustees of the district, and to their successors in office. Said Board, in the name of the district, shall have power to transact all business necessary for maintaining schools and protecting the rights of the district.

OF SCHOOL ELECTIONS AND TRUSTEES.

Elections. SEC. 35. An annual school meeting, for the election of School Trustees, shall be held in each district on the last Saturday in June of each year, at the district school house, if there be one, and if there be none, at a place to be designated by the Board of Trustees. The Trustees shall post written or printed notices thereof, specifying the day, time, and place of meeting, in at least three public places in the district, one of which shall be the school house, at least five days previous to the time of meeting. If the Trustees fail to give notice thereof, as required, then any citizen of the district may give it; but no such meeting shall be illegal for want of due notice. All elections shall be held by ballot; and the Trustees shall have power to determine the hours during which the ballot box shall be kept open, having given due notice thereof in the posted notice of election. Every elector, legally qualified to vote at any general election, having been a resident of the school district thirty days next previous to the time of such district election, shall be entitled to vote. Any person offering to vote may be challenged by any legally qualified elector of the district, and the Judge of Election shall thereon administer to the person challenged an oath in substance as follows: "You do swear [or affirm] that you are a citizen of the United States; that you are twenty-one years of age, according to the best of your information and belief; that you have resided in this State six months next preceding this election, and in this school district thirty days, and that you have not before voted this day." If he shall refuse to take the oath, his vote shall be rejected; and any person guilty

of illegally voting shall be punished as provided in the general election law of this State. The Trustees shall appoint the Inspector and Judges of Election; and in case none are so appointed, or if they are not present at the time for opening the polls, then the electors present may appoint the officers of election. A poll and tally list shall be kept, which shall be returned to the Clerk of the Board of Trustees; and with the exceptions mentioned in this section, the election shall be conducted as far as practicable in the form and manner of the general election. Any one of the old Trustees shall have power to administer to any Trustee elect the oath of office; and the Clerk of the Election shall issue his certificate of election to any Trustee elect, who shall forward it, with the oath attached or indorsed thereon, to the County Superintendent of Public Schools.

Sec. 36. In all organized districts in which elections have been previously held, one Trustee shall be elected for the term of three years, and if there are vacancies to be filled, a sufficient number to fill them for the unexpired terms; and the ballots shall specify the respective terms for which each Trustee is to be elected. In new districts, acting under Trustees appointed by the County Superintendent, three Trustees shall be elected, for one, two, and three years, respectively. Trustees elect shall take office on the first Saturday in July next after their election, and shall hold office until their successors are elected and qualified, or appointed by the County Superintendent and qualified. The term of office of any Trustee whose term would otherwise expire in September of any year, shall expire on the first Saturday in July of the same year. Any Trustee elect who shall fail to qualify within ten days after the term of office commences shall forfeit all right to the office, and the County Superintendent shall appoint to fill the vacancy.

Sec. 37. Whenever any new district is formed by ordinance of the Board of Supervisors, within thirty days thereafter a special school meeting may be called by notice of any three legal voters of said district, and such meeting shall be conducted in the manner and form provided in this Act for the annual school meeting for the election of Trustees. Such new district shall be considered organized whenever any two of the Trustees elected shall have qualified, and the record of the District Clerk shall be *prima facie* evidence of the legal organization of the district. The name of the new district, unless a name shall be given by act of the Supervisors, may be determined by a majority of voters present at the first election of Trustees; but if at such meeting no name was given, then the Trustees at their first meeting shall name the district, and the Clerk shall record it in his record book.

Sec. 38. No district school meeting, annual or special, shall be organized before nine o'clock A. M., or closed before twelve o'clock M., or kept open less than one hour; and in all districts in which the number of children between five and fifteen years of age equals or exceeds three hundred, the polls shall be kept open from eight o'clock A. M., until sunset.

Election of
District
Clerk.

SEC. 39. Each Board of Trustees shall, within ten days after the annual election, meet at the school house, or if that be impracticable, at some other convenient place designated by the District Clerk, and proceed to elect one of their number Clerk of the Board, who shall be known and referred to as "District Clerk," and it shall be his duty to record all proceedings of the Board in a suitable record book, to record in the same book the proceedings of the annual school meetings, or of special school meetings, and to keep an accurate and detailed account of all receipts and expenditures of school moneys. At each annual school meeting the District Clerk shall present his record book for public inspection, and if required shall make a statement of the financial condition of the district and of the action of the Trustees.

Tax.

SEC. 40. At the annual election for School Trustees, the people of the district may vote a tax, not to exceed half a mill on the dollar of the taxable property of the district, for the purpose of paying any debt of the district, or for a school library, or for furniture and apparatus, or for all or any of these together; and the tax so voted shall be levied and collected as is elsewhere provided in this Act for levying and collecting district taxes voted at special school elections.

Names of
districts.

SEC. 41. Every legally organized school district shall be known by the name and style of "____ District, [using the name of the district,] of ____ County," [using the name of the county in which such district is situated ;] and in that name the Trustees shall be capable of suing and being sued in all Courts and places whatever, and of holding and conveying real estate for the use and benefit of such district, and such personal property as may be proper. If any school district has not heretofore been named as herein required, but has been designated only by number, the Trustees shall give it a name, and the District Clerk shall record it in the record book, and notify the County Superintendent of such action. In counties having several districts designated by different numbers of the same name, District Number One shall retain the name, and the others shall be given a different name each ; and in case two districts in any county have the same name, the County Superintendent shall have power to change the name of either or both ; and a number shall no longer be used as a part of the designation of any school district.

Powers and
duties of
Boards of
Trustees, and
of Education

SEC. 42. Every Board of Trustees and any Board of Education in any city, city and county, or town, unless otherwise expressly provided by law, shall have power and it shall be their duty :

First—To employ and dismiss teachers, janitors, School Census Marshals, mechanics, and laborers, and to fix, alter, allow, and order paid their salaries and compensations;

Second—To make and enforce rules and regulations, not in conflict with the general regulations of the State Board of Education, for the government of schools, pupils, and teachers, and to enforce the regulations and course of study adopted in pursuance of State law;

Third—To provide and pay for, out of the school moneys, school furniture and apparatus, and such other articles, mate-

rials, or supplies as may be necessary for school use, or for the use of the School Board;

Fourth—To suspend or expel pupils from school, and, in cities or large towns, to exclude from school children under six years of age, when the interests of the schools require such exclusion;

Fifth—To rent, furnish, repair, and insure school houses;

Sixth—To build school houses, and purchase or sell school lots, when the Trustees may be directed by a vote of the district, and when the Board of Education may be directed by a vote of the Board of Supervisors of the county, or city and county;

Seventh—To purchase personal property, and to receive, lease, and hold in fee, in trust for their district, town, or city, any and all real or personal property, for the benefit of the schools thereof;

Eighth—To provide books for indigent children, on the written statement of the teacher that the parents of such children are not able to purchase them;

Ninth—To require all pupils to be furnished with suitable books, as a condition of membership in the school;

Tenth—To provide library and cabinet cases;

Eleventh—To exclude from school and from school libraries all books, tracts, papers, or catechisms of a sectarian character;

Twelfth—To require the State series of text books adopted in pursuance of State law to be used exclusively in their schools;

Thirteenth—To require every teacher to keep a State school register;

Fourteenth—To enforce in school the course of study adopted and prescribed by the State Board of Education;

Fifteenth—To require teachers to attend County or City Institutes, and to make such annual reports as may be required by the Superintendent of Public Instruction;

Sixteenth—To make an annual report, on or before the twentieth day of July, to the County Superintendent, in the manner and form and on the blanks prescribed by the Superintendent of Public Instruction;

Seventeenth—To make a report, whenever required, directly to the Superintendent of Public Instruction, of the text books used in their schools;

Eighteenth—To keep a registry in a book or books to be provided for that purpose, of all children applying for and entitled to be admitted in the schools, and to notify the parent or guardian of such children when vacancies occur, and receive such children in the schools in the order in which they may be registered. Such register shall at all times be open to the inspection of the public.

Sec. 43. The Board of Education of each city, or city and county, and the Board of Trustees of each district, shall appoint a School Census Marshal, on or before the first day of June of each year, and notify the County or City Superintendent of such appointment in writing. It shall be the duty of the School Census Marshal to take, annually, in the month of June, an exact census of all children under fifteen years of age. He shall take specifically and separately a census of all white children, Negro children, and Indian children who live under the guardianship of white persons, between five and fifteen years of age, and shall spe-

Powers and
duties of
Boards of
Trustees, and
of Education

Registry of
children.

Appoint-
ment and
duties of
School Cen-
sus Marshal.

cify the number and sex of such children, and the names of their parents or guardians. All children who may be absent from home, attending colleges, college schools, boarding schools, and private seminaries of learning, shall be included by the Marshal in the census list of the city, town, or district in which their parents or guardians reside, and shall not be taken by the Census Marshal of the city, town, or district where they may be attending such private institutions of learning. The Census Marshal shall further report, separately, the number of white, Negro, and Indian children under five years of age, and the whole number of Mongolian children under fifteen years of age, and also such other statistics as may be required by the Superintendent of Public Instruction or by City Boards of Education. He shall make a full report thereof on the blanks furnished for that purpose, under oath, to the County Superintendent or the City Board of Education, on or before the first day of July next after his appointment, and deliver a copy, if required, to the School Trustees. The Census Marshal shall be paid by the Board of Trustees from the county school money to the credit of the district, in the same manner as other contingent expenses are paid; and Boards of Education in incorporated cities shall audit his bills in the same manner as bills for contingent expenses are audited and paid, unless otherwise provided by law.

Grading of schools.

SEC. 44. Boards of Trustees and Boards of Education shall have power and it shall be their duty to grade their schools, and to organize them into primary, grammar, and high school departments; *provided*, there be means sufficient to maintain all three departments and to accommodate all children applying for admission into the primary schools; and if not, then the several departments shall be maintained in the order herein named, the primary schools having preference.

To maintain schools for equal length of time.

SEC. 45. It shall be the duty of all Boards of Trustees and Boards of Education to maintain all the schools established by them in any district or city for an equal length of time during the year, and, as far as practicable, with equal rights and privileges; *provided*, in all cases the primary schools shall first be provided for, and shall have the preference.

Supplies and repairs.

SEC. 46. The District Clerk of each district shall provide all school supplies authorized by this Act, and shall keep the school house in repair during the time school is taught therein; and he shall keep an accurate record of all expenses incurred by him on account of the school, which account shall be audited by a majority of the Board, and paid out of the county school moneys of that district.

District Clerk may act as Census Marshal, etc.

SEC. 47. The District Clerk may act as Census Marshal, and as either Assessor or Collector, or as both, of district taxes, in either of which cases he shall be paid the same compensation which would have been allowed by the Board to any other person; and the provision by which no Trustee is allowed to receive compensation for his official services shall not apply.

Supplies to be furnished to schools gratis.

SEC. 48. The District Clerk is hereby required, from time to time, to purchase and furnish to the school, free of charge, such supplies of pens, penholders, pencils, crayons for blackboards, ink, and stationery for the use of pupils as must be used in carrying out the course of study prescribed therein; and the County

Superintendent, upon the presentation of proper vouchers, and being satisfied that such supplies were proper, needed, and used in school, shall draw his warrant in favor of the District Clerk for the amount so expended. And in incorporated cities, every Board of Education shall cause to be furnished to the pupils, free of charge, the supplies in this section named, and shall pay for them in the manner provided for the payment of other school expenses.

SEC. 49. The Board of Trustees of any district and Board of Education shall use the school moneys received from State or county apportionment during any school year exclusively for the support of schools for that school year; *provided*, that if at the end of any school year there be any unexpended balance, it may be used for the payment of any claims against the district outstanding, or it may be used for the year succeeding.

SEC. 50. Any Board of Trustees may use the county school ~~same.~~
moneys for any of the purposes authorized by this Act; but all State school moneys, except in those cities where it has otherwise been expressly provided by special law, shall be used exclusively for the payment of teachers, excepting the ten per cent reserved for district school library purposes.

SEC. 51. Any Board of Trustees shall be liable, as Trustees, in the name of the district, for any judgment against the district for any salary due any teacher on contract, and for all debts legally contracted under the provisions of this Act; and they shall pay such judgment or liabilities out of the school moneys to the credit of such district.

SEC. 52. Any Board of Trustees shall have power:

First—To unite two contiguous districts in the same county, ^{Union of two contiguous districts.} or in adjoining counties, and to establish a union school, to be supported out of the funds belonging to their respective districts; and a school thus established shall be governed by a joint Board composed of the Trustees of the combining districts;

Second—To make arrangements with the Trustees of any adjoining district for the attendance of such children in the school of either district as may be best accommodated therein, and to transfer the school moneys due by apportionment to such children to the district in which they may attend school.

OF SCHOOLS.

SEC. 53. Every school, unless otherwise provided by special law, shall be open for the admission of all white children between five and twenty-one years of age residing in that school district; and the Board of Trustees or Board of Education shall have power to admit adults and children not residing in the district whenever good reasons exist for such exceptions.

SEC. 54. All schools, unless otherwise provided by special law, shall be divided into three grades, viz: first, second, and third. Each County Superintendent shall determine the respective grade or class of the schools of his county, under instructions from the State Board of Education. No person shall be eligible to teach a county school of the first grade, unless the holder of a certificate equal in grade to a first grade county certificate; and no person holding merely a third grade county

certificate shall be eligible to teach any school, except one of the third grade.

Course of education.

SEC. 55. All schools shall be taught in the English language, and instructions shall be given in the following branches in the several grades in which each may be required in the course of study adopted in pursuance of law, viz: reading, writing, orthography, arithmetic, geography, English grammar, history of the United States, physiology, and bookkeeping; and such other studies as may be deemed necessary may be authorized by the State Board of Education, or Boards of Education of any city, or city and county; *provided*, that no such studies shall be pursued to the neglect or exclusion of the studies herein specified, and that thorough instruction shall first be given in all these branches. Instruction shall be given in all grades of schools, and in all classes, during the entire school course, in manners and morals, and the laws of health; and due attention shall be given to such physical exercises for the pupils as may be conducive to health and vigor of body, as well as mind; and to the ventilation and temperature of school rooms.

Indians.

SEC. 56. Any Board of Trustees, or Board of Education, by a majority vote, may admit into any public school half-breed Indian children, and Indian children who live in white families or under guardianship of white persons.

Negro, Mongolian, and Indian children.

SEC. 57. Children of African or Mongolian descent, and Indian children not living under the care of white persons, shall not be admitted into public schools, except as provided in this Act; *provided*, that upon the written application of the parents or guardians of at least ten such children to any Board of Trustees or Board of Education, a separate school shall be established for the education of such children; and the education of a less number may be provided for by the Trustees in any other manner.

Vote on admission.

SEC. 58. When there shall be in any district any number of children, other than white children, whose education can be provided for in no other way, the Trustees, by a majority vote, may permit such children to attend schools for white children; *provided*, that a majority of the parents of the children attending such school make no objection, in writing, to be filed with the Board of Trustees.

Laws, rules, etc., made applicable.

SEC. 59. The same laws, rules, and regulations which apply to schools for white children, shall apply to schools for colored children.

Sectarian books prohibited.

SEC. 60. No books, tracts, papers, catechisms, or other publications of a sectarian or denominational character, shall be used or distributed in any school, or shall be made a part of any school library; neither shall any sectarian or denominational doctrine be taught therein; and any school district, town, or city, the officers of which shall knowingly allow any schools to be taught in violation of these provisions, shall forfeit all right to any State or county apportionment of school moneys; and upon satisfactory evidence of such violation, the State Superintendent and County Superintendent shall withhold both State and county apportionments.

SEC. 61. For the purpose of protecting the health of young children, it is hereby provided that no school in which the average

age of the pupils does not exceed eight years shall be continued in session more than four hours a day, exclusive of intermission; and no school whatever shall be continued in session more than six hours a day, exclusive of an intermission at noon; and no pupil under eight years of age shall be kept in school more than four hours per day; and any violation of the provisions of this section shall be treated in the same manner as a violation of section sixty.

Duration of
school ses-
sions.

OF PUPILS.

SEC. 62. Pupils shall be admitted into the schools in the order in which they apply to be registered; and all pupils who may be admitted into public schools shall comply with the regulations established in pursuance of law for the government of such schools, shall pursue the required course of study, and shall submit to the authority of the teachers of such schools. Continued and wilful disobedience, and open defiance of the authority of the teacher, shall constitute good cause for expulsion from school; and habitual profanity and vulgarity, good cause for suspension from school. Any pupil who shall in any way cut, deface, or otherwise injure any school house, fences, or out-buildings thereof, shall be liable to suspension and punishment; and the parents of such pupil shall be liable for damages, on complaint of the teacher or Trustees.

Admission to
school, sus-
pension and
expulsion.

OF TEACHERS.

SEC. 63. Every teacher employed in any public school shall make an annual report to the County Superintendent, on or before the tenth day of July next after the close of each school year, in the form and manner and on the blanks prescribed by the Superintendent of Public Instruction. A duplicate of such report, when required by the Trustees, shall be furnished to the District Clerk. Any teacher who shall end any school term before the close of the school year, shall make a report to the County Superintendent immediately after the close of such term; and any teacher who may be teaching any school at the close of the school year, shall, in his or her annual report, include all statistics from the school register for the entire school year, notwithstanding any previous report for a part of the year. Teachers shall make such additional reports as may be required in pursuance of law by the State or by City Boards of Education. No County Superintendent, or City Superintendent, or Board of Education, or Board of Trustees, shall draw any order or warrant for the salary of any teacher for the last month of his or her services, until the reports herein required shall have been made and received.

To make
reports.

Withholding
of salary.

SEC. 64. Every Teacher shall keep a State school register, in the manner provided therefor; and no County Superintendent shall draw any warrant for the salary of any teacher for the last month of his or her services in school at the end of any term or year until he shall have received a certificate from the District Clerk that the said register has been properly kept, the summaries made, and the statistics entered; or until, by personal

To keep
State School
Register.

Withholding of salary. examination, he shall have satisfied himself that it has been done. Teachers shall faithfully enforce in school the course of study and the regulations prescribed in pursuance of law; and if any teacher shall wilfully refuse or neglect to comply with such requisitions, then the County Superintendent shall be authorized to withhold any warrant for salary due until such teacher shall comply therewith.

Salary. SEC. 65. No teacher shall be entitled to draw for salary any school moneys, unless such teacher shall be employed by a majority of the Trustees; nor unless the holder of a legal State, city, or county teachers' certificate, in full force and effect.

Contracts. SEC. 66. In every contract, whether written or verbal, between any teacher and any Board of Trustees, except in incorporated cities, a school month shall be construed and taken to be twenty school days, or four weeks of five school days each; and no teacher shall be required to teach school on Saturday, the Fourth Day of July, the First Day of January, Christmas Day, the days of the general election and special judicial election, and such days of fasting or thanksgiving as may be appointed by the President of the United States, or the Governor of this State; and no deduction from the teacher's time or wages shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught. Any contract made in violation of the provisions of this section shall have no force or effect as against the teacher.

Disorderly conduct, and suspension of pupils. SEC. 67. Every Teacher shall have power to hold every pupil to a strict accountability, in school, for any disorderly conduct on the way to or from school, or on the play grounds of the school, or during intermission or recess; to suspend from school any pupil for good cause; provided, that such suspension shall be reported by the teacher to the Trustees as soon as practicable; and if such action is not sustained by them, the teacher may appeal to the County Superintendent, whose decision shall be final, whether for or against expulsion.

Appeal in revocation of certificate. SEC. 68. In all cases of the revocation of a certificate, the teacher shall have the right of appeal from any City or County Board of Examination to the State Board of Examination; and upon the revocation of a State diploma or certificate, to the State Board of Education.

In dismissal. SEC. 69. In case of the dismissal of any teacher before the expiration of any written contract entered into between such teacher and Trustees, for alleged unfitness, or incompetence, or violation of rules, the teacher shall have the right of appeal to the County Superintendent, and if such County Superintendent shall decide that the removal was made without good cause, the teacher so removed shall be reinstated in school, and shall continue during the time of contract. Any teacher whose salary is withheld in pursuance of the provisions of this Act, shall have the right of appeal to the Superintendent of Public Instruction, whose decision shall be final.

Teachers to instill moral and patriotic principles. SEC. 70. It shall be the duty of all teachers to endeavor to impress on the minds of their pupils the principles of morality, truth, justice, and patriotism; to teach them to avoid idleness, profanity, and falsehood; and to instruct them in the principles

of a free government, and to train them up to a true comprehension of the rights, duties, and dignity of American citizenship.

STATE NORMAL SCHOOL.

SEC. 71. The members of the State Board of Education, except Trustees, the Principal of the State Normal School, are hereby constituted ex officio the Board of Trustees of the State Normal School.

SEC. 72. The Board of Trustees of the State Normal School ^{Powers and duties.} shall have power to establish and continue a State Normal School in the City of San Francisco, for the purpose of furnishing free instruction to such persons residing in this State as may desire to prepare themselves for the profession of teaching, and to teach in the public schools thereof. Said Board shall have full powers to prescribe a course of study for such normal school, and the text books to be used therein; to examine, employ, and fix the salaries of teachers therein; to hold stated examinations of the pupils attending such normal school, and to award diplomas as hereinafter provided; to arrange and effect all the details necessary to conduct such normal school; and to make all the regulations and by-laws necessary for the good government and management of the same. Males over seventeen years of age, and females over fifteen years of age, may be admitted as pupils of said school; *provided*, that every applicant shall undergo an examination in such manner as may be prescribed by the Board; such person having first filed a certificate with the Principal of intention to engage in the occupation of teaching in the public schools of this State. The seats in said school shall be apportioned among the applicants therefor from the different counties of this State, as near as may be in proportion to the representation of such counties in the State Legislature.

SEC. 73. The Board of Normal School Trustees shall have ^{Powers and duties.} power to determine the course of study, and the time and standard of graduation, and to issue diplomas; and such diplomas shall entitle the holders to receive a State certificate or diploma, the grade of which shall be determined by the State Board of Examination. Said Board shall have power to organize and maintain a training school, in which the advanced pupils of the normal school shall be required to teach classes of pupils under the supervision and direction of experienced teachers, capable of giving instruction in the best methods of conducting primary schools.

SEC. 74. The Superintendent of Public Instruction shall be ^{Executive agent, and Secretary of Trustees.} the executive agent and Secretary of the Board of Trustees of the Normal School. He shall visit the school from time to time, inquire into its condition and management, enforce the rules and regulations of the Board, require monthly reports of the teachers, prescribing the form thereof, and exercise a general supervision over the school, and shall make in his biennial report a statement of receipts and expenditures, and of the management of the school.

SEC. 75. It shall be the duty of the Principal of the Normal School to make a detailed annual report to the Board of Trus-

Principal to report, lecture, etc. tees, with a catalogue of pupils, and such other statistics as the Board may require or as he may think useful; and such report may be ordered printed under the provisions of this Act; and if printed, it shall be the duty of the Principal to furnish a copy thereof to each Normal School in the United States. It shall be the duty of the Principal, authorized by the Board, to attend County Institutes, and lecture before them on subjects relating to public schools and the profession of teaching. All teachers of the normal school shall be under the general laws of this State applying to public school teachers.

Meetings of Board, etc. SEC. 76. The Board of Normal School Trustees shall hold at least two meetings each year, the time and place to be determined by the Board; but special meetings may be called by the Secretary of the Board, upon written notice to each member. The Governor shall be ex officio Chairman, and five members shall constitute a quorum; *provided*, that a majority of all the members of the Board shall be necessary for the election of teachers or for fixing their salaries. The monthly salaries of teachers and bills for incidental expenses may be audited by an Executive Committee of three, appointed by the Board. No member of said Board shall be entitled to any compensation for official services. The record book of the Board shall be kept in the office of the Superintendent of Public Instruction.

Appropriation. SEC. 77. The sum of sixteen thousand dollars is hereby appropriated biennially out of any moneys in the General Fund not otherwise appropriated, which said appropriation shall be set apart at the commencement of each fiscal year to support the State Normal School; and the Controller is hereby directed to draw his warrants from time to time on the State Treasurer, payable out of said appropriation, and the unexhausted remainder, if any, of any prior appropriation, for such claims or accounts as have been audited by the Board of Trustees of the State Normal School, or the Executive Committee thereof, and the Board of Examiners; *provided*, the aggregate of warrants so drawn shall not exceed in any one fiscal year one half the appropriation herein made for such years, together with the remainder of unused appropriations, if any, of any previous fiscal year or years; and whenever at the expiration of any fiscal year a balance remains to the credit of the State Normal School Fund, such balance shall be carried forward and be added to the appropriation for the succeeding year.

OF SCHOOL DISTRICT LIBRARIES.

Library Fund, and how applied. SEC. 78. Every County Superintendent and every County Treasurer shall set apart ten per cent of each annual apportionment of State School Fund for each district as a "District School Library Fund" for that district; and said fund shall be used for no other purpose; *provided*, that when ten per cent exceeds fifty dollars, only fifty dollars shall be so set apart; and further, *provided*, that when ten per cent is less than ten dollars, and no library has been previously formed, the money shall remain in the Treasury until subsequent apportionments or donations shall equal that sum. The Board of Trustees of each district shall procure a suitable library case, and shall expend

the entire ten per cent set apart as a Library Fund, together with such sums as may be added thereto by subscription or donation, in the purchase of such books for the library as may be authorized by the State Board of Education. If the Trustees neglect or refuse to purchase such books, then it shall be the duty of the County Superintendent to expend the Library Fund to the credit of such district, and pay for the books on his own warrant.

SEC. 79. The Trustees shall have the same control over the ^{Librarian.} library as over other school property, and shall appoint the teacher, or the District Clerk, or some other suitable person, to act as Librarian; and whenever practicable and safe the library shall be kept in the school house of such district.

SEC. 80. It shall be the duty of the State Board of Education to prepare a list of books suitable for school libraries, in which no works of a sectarian character shall be included, and which may be from time to time amended, revised, and enlarged, and to prepare uniform rules and regulations for the government of district libraries, and to prescribe penalties, fines, and conditions of membership.

SEC. 81. The Trustees shall be held accountable for the proper care and preservation of the library, and shall have power to assess and collect all fines, penalties, and fees of membership, and to make all needful rules and regulations not provided for by the State Board of Education and not inconsistent therewith; and they shall report annually to the County Superintendent all library statistics which may be required by the blanks furnished for that purpose by the Superintendent of Public Instruction.

SEC. 82. Trustees may receive donations of books, maps, or charts from any person; *provided*, no books of a sectarian character shall be placed in the library, and that any such books found therein shall be removed by order of the County Superintendent. The library shall be free to all pupils of suitable age belonging to the school; but any resident of the district may become entitled to its privileges upon the payment of such a sum of money for life membership, or such annual or monthly fee, as may be prescribed by the Trustees.

SEC. 83. In cities not divided into school districts, or in any incorporated towns or cities, or county and city, the provisions of the preceding sections relating to the setting apart of ten per cent of the State School Fund as a Library Fund shall not apply; but the sum of fifty dollars—not to exceed ten per cent of the State apportionment—shall be set apart as a Library Fund by the Board of Education for every five hundred children between the ages of five and fifteen years within the limits of such city, and expended as provided in other cases for the formation of school libraries.

OF AN EDUCATIONAL JOURNAL.

SEC. 84. It shall be the duty of the Superintendent of Public ^{Subscription} Instruction to annually subscribe for a sufficient number of copies of some monthly journal of education, to supply each County Superintendent, City Superintendent, District Clerk, and each

district school library, with one copy thereof. Said journal shall be designated by the State Board of Education, and shall be a journal devoted exclusively to educational purposes, and published monthly in California. The Superintendent of Public Instruction shall be one of its editors, and it shall contain, as a condition of such subscriptions by the State, a department of public instruction, in which shall be published the decisions, circulars, instructions, and apportionments of school funds made by the Superintendent of Public Instruction and the State Board of Education, together with a monthly report of the State Normal School.

Price. The subscription price paid for each annual subscription of twelve monthly copies shall not exceed one dollar and fifty cents; and the State Board of Education shall have power to reduce the rate whenever said journal can be creditably sustained at a lower rate.

Payment. At the beginning of each school year the Superintendent of Public Instruction shall draw his order on the State Controller for an amount sufficient to pay for such subscriptions in favor of such journal, which order shall be certified by the State Board of Education, and allowed by the State Board of Examiners, whereupon it shall be the duty of the State Controller to draw a warrant on the State Treasurer, payable out of any unapportioned school moneys in the Treasury.

Appropriation for State Teachers' Institute. SEC. 85. The Superintendent of Public Instruction shall annually convene and preside over a State Teachers' Institute, which shall continue in session not less than three nor more than five days. The sum of five hundred dollars is hereby appropriated biennially out of any unappropriated moneys in the General Fund, for the purpose of defraying the necessary expenses of such annual institutes.

STATE BOARD OF EXAMINATION.

Board of Examination. SEC. 86. There shall be a State Board of Examination, consisting of the Superintendent of Public Instruction, who shall be ex officio Chairman, and four professional teachers, who shall be appointed by the Superintendent of Public Instruction; *provided*, that no person shall be eligible to such appointment unless he holds a State educational diploma. The Board shall meet at such times and places as may be designated by the Chairman, and shall hold at least two sessions in each year. It shall have power to grant certificates of the following grades, to wit: State educational diplomas, valid for six years; State certificates, first grade, valid for four years; second grade, valid for two years; third grade, valid for one year.

Manner of examination. SEC. 87. Every applicant for a State diploma, or for a State certificate of the first or second grade, shall be critically examined, by written or printed questions, and by additional oral examination, in algebra, arithmetic, English grammar, English composition, geography, history of the United States, school law of California, physiology, natural philosophy, orthography, defining, penmanship, Constitution and Government of the United States, reading and elocution, and theory and practice of teaching. Extra credits may be given for ability to teach drawing, vocal or instrumental music, and school calisthenics. For success

and experience in teaching, extra credits may be allowed, as the State Board of Education may determine. Certificates shall be issued to such persons only as, in addition to passing examination in the studies herein specified, shall have given evidence of good moral character and fitness for the profession of teaching. State educational diplomas shall be issued to such persons only as shall have been employed in the occupation of teaching at least three years; and the holders of said diplomas shall be eligible to teach in any public school in the State, except high schools in which the ancient and modern languages are required to be taught by such teachers. State certificates of the first grade shall entitle the holders to teach in county schools of the first grade, and in all grammar schools. State certificates of the second grade shall entitle the holders to teach in second grade schools, and as assistants in grammar schools. State certificates of the third grade shall entitle the holders to teach in any primary school. The standing in each study of each successful applicant shall be indorsed upon the back of his or her diploma or certificate, together with his or her total percentage and relative standing in the class. The State Board of Examination shall have power to revoke, for immoral or unprofessional conduct, or habitual profanity, intemperance, cruelty, or evident unfitness for the profession of teaching, any diploma or certificate granted by it, and to renew all State certificates at the expiration of the time for which they were granted.

Sec. 88. All regularly issued State Normal School diplomas from any State Normal School in the United States, and all life diplomas granted by the State Board of Examination in any of the United States, shall be recognized by the State Board of Examination of this State as prima facie evidence of fitness for the profession of teaching; and the said Board shall, on application of the holders thereof, proceed to issue without examination, State certificates, the grade to be fixed at the option of the Board; *provided*, in all cases satisfactory evidence be given of good moral character and correct habits. All applicants for State diplomas or certificates shall pay an examination fee of two dollars, which shall be appropriated to the support of the State educational journal.

Sec. 89. In order to elevate the profession of teaching and advance the interests of public schools, the State Board of Education shall grant teachers life diplomas, which shall remain valid during the life of the holder, unless revoked by the said Board for immoral or unprofessional conduct, or want of qualifications to teach. Said diploma shall be granted to such persons only as shall have taught one year successfully after receiving a State educational diploma from the State Board of Examination, or who shall have held for one year after receiving a State diploma the office of State, City, or County Superintendent. Applicants for life diplomas shall file with the State Board of Examination certificates of their success in teaching; and said Board, after due consideration and examination, shall present the application to the State Board of Education with a recommendation either for or against its being granted. The State Board of Education may recognize the life diplomas of other States of the United States, and issue to the holders thereof

Fee. life diplomas of this State. Each applicant for a State life diploma shall pay the sum of five dollars to defray the expense of filling out and issuing the diploma.

COUNTY BOARDS OF EXAMINATION.

How composed. SEC. 90. There shall be in each county a County Board of Examination, which shall be composed of the County Superintendent, who shall be ex officio Chairman, and of a number of teachers, not to exceed three, to be appointed by him, who shall hold office for one year from the first of July next succeeding their respective appointments; but no person shall be appointed unless he holds either a State diploma, or a first grade State or county certificate. The Superintendent shall fill vacancies that occur from absence or other cause; and if he cannot find any teacher in his county qualified under the provisions of this section willing to serve, he shall conduct the examination himself. The Board shall meet at such times and places as may be designated by the Chairman, and shall hold a session at least as often as once in every three months, and during any Teachers' Institute held in the county. The Superintendent of Public Instruction shall, ex officio, be a member of all County Boards of Examination. The members of said Board shall each be paid for their services a sum not exceeding three dollars, in addition to actual travelling expenses, for each session of said Board, to be paid out of the unapportioned County School Fund, on the warrant of the County Superintendent; *provided*, that this compensation shall be paid only at the regular quarterly examinations, and that whenever said Board shall hold sessions at any other time, no compensation shall be allowed from the county; but in cases of such special examinations said Board may charge an examination fee not exceeding two dollars for each applicant.

Certificates. SEC. 91. The County Board of Examination shall have power to grant certificates of three grades, to wit: county certificates, first grade, valid for three years, and authorizing the holder to teach a grammar school or a school of the first grade in the county; county certificates, second grade, valid for two years, and authorizing the holder to teach a second grade school in the county; county certificates of the third grade, valid for one year, and authorizing the holder to teach a third grade school in the county. Third grade certificates shall be granted to female teachers only. Certificates shall be issued to such persons only as shall have given evidence of good moral character, of fitness for teaching, and of ability to impart their knowledge.

**Qualifica-
tions neces-
sary to
procure.** SEC. 92. Certificates of the first grade shall be issued to those only who have passed a satisfactory examination in orthography, defining, reading, penmanship, physiology, natural philosophy, English composition, arithmetic, algebra, geography, grammar, history of the United States, the school law of California, and theory and practice of teaching. Certificates of second grade shall be issued to those only who have passed a satisfactory examination in all of the above subjects, except natural philosophy and algebra. Extra credits may be given in all grades for ability to teach drawing, vocal or instrumental music, calisthenics, and other branches, as may be determined by the State

Board of Education. All examinations in written arithmetic, algebra, orthography, defining, grammar, history of the United States, and Constitution and Government of the United States, shall be conducted in writing, and at least ten questions shall be submitted in each separate study. The standing of each applicant in each study shall be indorsed on the back of each certificate, together with the total percentage and relative standing in the class. The County Board shall have power, without examination, to renew certificates, and to revoke, for immoral or unprofessional conduct, or habitual profanity, intemperance, cruelty, or evident unfitness for the profession of teaching, any county certificate.

CITY BOARD OF EXAMINATION.

Sec. 93. In every city having a Board of Education governed by special laws there shall be a City Board of Examination for determining the qualifications of teachers, which shall consist of the City Superintendent of Public Schools and the President of the Board of Education of that city, the County Superintendent of the county in which such city is situated, and of three public school teachers, residents of such city, who shall be elected by the City Board of Education for the term of one year. Any teacher to be eligible to such election shall be the holder of a State diploma, or of a grammar school city certificate. The teachers elected to such Board shall be allowed such compensation for their services as may be granted by the Board of Education. The Superintendent of Public Instruction shall be, ex officio, a member of every City Board of Examination. Said Board shall conduct all examinations in conformity with the general rules and regulations of the State Board of Education, and shall have power to grant certificates of the same grade and for the same time as the State Board of Examination; *provided*, they shall be valid only in the city in which they are granted. Said Board shall also have power to grant such certificates of a grade lower than grammar school certificates as may be deemed necessary, and to grant certificates for teaching high schools. Said Board shall have power to renew, without examination, all city certificates. No City Board of Education or of Examination shall have power to require or hold an examination of any teacher holding a State diploma or certificate, except in cases where such teacher is an applicant for a school of higher grade than the certificate then held allows such teacher to teach. Any City Board of Examination may recognize the certificates of any other city, and without examination issue to the holders certificates of a corresponding grade. No person shall be a legally qualified teacher in any city, unless he or she holds a State or city certificate, granted by a State or City Board of Examination.

Sec. 94. The State Board of Education shall prescribe a standard of proficiency before a County Board which shall entitle the holder of the certificate to a certificate from the State Board of Examination; and whenever such standard is reached, the County Superintendent shall certify the facts, together with certificates of the party's character, to the State

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Board of Examination, and that body may grant or refuse a State certificate and fix its grade. Every person holding a diploma of graduation from any State Normal School in the United States shall be entitled to a county certificate of the first or second grade, at the option of said Board; and upon proof of good character, such certificate shall be granted without further examination.

Report. Every County Superintendent and each City Superintendent of Public Schools shall annually report, at the time of making his other report to the Superintendent of Public Instruction, the number of certificates granted by the Board of Examination of his county or city, as the case may be, the names of persons to whom granted, and date of each certificate, the number of all applicants rejected, and the number of certificates revoked, the cause of their revocation, and the names of the holders. The County Superintendent shall also report to the State Superintendent the amount of money received from examination fees, and the manner in which it was expended. The County Superintendent may recognize county certificates of the first grade granted by Boards of Examination in other counties, and may issue temporary certificates for teaching to the holders, on application, which shall be valid until the next regular examination of the County Board of his county.

Temporary certificates. **Text books.** SEC. 95. The State Board of Education shall prescribe and adopt a uniform series of text books, which shall be used in all public schools, as well in incorporated cities having Boards of Education as in the State at large; *provided*, that said State Board may, when making a change in any of the series, prescribe a future date for it to take effect, which shall not be less than six months thereafter, and may adopt special books when necessary for the use of graded schools in cities, and shall allow books different from the State series now in use in such cities to be continued until a change may be deemed advisable by the Boards of Education of such cities. Any books once adopted in the State series shall be continued in use for a period not less than four years. If any city, town, or district refuse or neglect to use the books that may be prescribed, or shall use any other text books in any of the prescribed studies, the Superintendent of Public Instruction shall withhold from such city, town, or district, twenty-five per cent of all State school moneys to which it may be entitled until it comply; and any moneys so withheld shall be apportioned by the Superintendent, at the next annual apportionment, in the same manner as other school moneys in the Treasury.

OF SCHOOL REVENUE.

State school tax. SEC. 96. An annual ad valorem tax of eight cents on each one hundred dollars value of all taxable property throughout the State is hereby levied and directed to be collected and paid in the same manner as other State taxes are required to be paid; and said tax shall be called and known as the State school tax, and the Board of Supervisors of the several counties shall annually, at the same time other State taxes are levied, add this to the other taxes provided by law to be levied and collected, and it shall be annually collected at the same time and in the same

manner as other State taxes are collected; and if from any reason whatever, in any year, said taxes shall not be levied as herein required by the Board of Supervisors, the Auditor shall enter them on the assessment roll as required by law for other taxes. All moneys derived from the tax herein levied shall be paid into the State School Fund, and be apportioned as other moneys in that fund. No Tax Collector or County Treasurer shall receive ^{No fees.} any fees or compensation whatever for collecting, receiving, keeping, or disbursing any school moneys; but the whole moneys collected shall be paid to the County Treasurer, and by him paid to the State Treasurer at the same time other moneys are paid over.

SEC. 97. The Board of Supervisors, except in the City and County of San Francisco, of each county, shall annually, at the time of levying other county taxes, levy a school tax, the maximum rate of which shall not exceed thirty-five cents on each one hundred dollars of taxable property in the county, nor the minimum rate be less than sufficient to raise a sum equal to three dollars for each child in the county between five and fifteen years of age. Said Supervisors shall determine the minimum rate of school tax as follows. They shall :

First—Ascertain from the County Superintendent the number of census children entitled to school apportionment, as shown by the then next preceding school census, and then shall calculate the amount required to be raised at three dollars per child;

Second—They shall deduct fifteen per cent from the equalized value of the last general assessment roll, and the amount required to be raised, divided by the remainder of the assessment roll, shall be the rate levied; *provided*, that if any fraction of a cent occur, it shall be taken as a full cent on each hundred dollars; and, *provided*, further, that Boards of Supervisors, in estimating said rate of school tax for the year eighteen hundred and sixty-six, shall use the number of census children between the ages of four and eighteen years, according to the returns of the last school census in eighteen hundred and sixty-five. If the Supervisors fail to levy said tax as herein provided, then the Auditor shall levy it and add the tax to the assessment roll. In case the Supervisors or Auditor shall refuse or neglect to levy at least the minimum rate of tax herein provided, the Superintendent of Public Instruction shall deduct twenty-five per cent from the next succeeding annual apportionment of State School Fund otherwise due to that county, and shall withhold it and apportion it to the other counties of the State; and, *provided*, further, that if this Act does not become a law until after the taxes are levied for eighteen hundred and sixty-six, and the amount levied for that year does not amount to a rate that will produce a sum equal to the requirements of this section, then the Auditor shall add to the levy such additional per cent as will produce said amount; *provided*, the original levy and the addition thereto do not in the aggregate exceed thirty-five cents on the one hundred dollars.

OF DISTRICT TAXES.

Election to determine levy of tax.

SEC. 98. The Board of Trustees of any district may, when in their judgment it is advisable, call an election, and submit to the qualified electors of the district the question whether a tax shall be raised to furnish additional school facilities for said district, or to maintain any school or schools in such district, or for building one or more school houses, or for any two or all of these purposes. Such election shall be called by posting notices in three of the most public places in the district, for twenty days, and also, if there is a newspaper in the county, by advertisement therein once a week for three weeks. Said notices shall contain the time and place of holding the election, the amount of money proposed to be raised, and the purpose or purposes for which it is intended to be used. The Trustees shall appoint three Judges to conduct the election, and it shall be held in all other respects, as nearly as practicable, in conformity with the general election law. At such election the ballots shall contain the words "Tax—Yes," or "Tax—No," and also the name of one person as Assessor, and one as Collector; *provided*, however, the same person may be elected to both offices. If a majority of the votes cast are "Tax—Yes," the officers of the election shall certify the fact to the Trustees, and shall also certify the names of the person or persons having the plurality of votes for Assessor and Collector. The Trustees shall issue certificates of election, and the Assessor shall, on receiving his, forthwith ascertain and enroll, in the manner provided for County Assessors, all the taxable persons and property in the district, and within thirty days he shall return his roll, footed up, to the Trustees. The Trustees upon receiving the roll shall

deduct fifteen per cent therefrom for anticipated delinquencies, and then, by dividing the sum voted, together with the estimated cost of assessing and collecting added thereto, by the remainder of the roll, ascertain the rate per cent required; and the rate so ascertained (using the full cent on each hundred dollars in place of any fraction) shall be and it is hereby levied and assessed to, on, or against the persons or property named or described in said roll, and it shall be a lien on all such property until the tax is paid; and said tax, if not paid within the time limited in the next succeeding section for its payment, shall be recovered by suit, in the same manner and with the same costs as delinquent State and county taxes. The maximum rate of tax levied by a district tax in any one year, for building purposes, shall not exceed thirty-five cents on each hundred dollars, and the maximum rate levied for school purposes by such tax, shall not exceed fifteen cents on each hundred dollars in any one year.

Bonds. Each District Tax Collector shall give a bond to the people of the State of California, joint and several in form, with similar sureties as are required on other official bonds. Such bonds shall be in such penal sum as the Trustees may direct; *provided*, it be not less than double the amount to be collected, and shall be approved by them. The Trustees, upon receiving any assessment roll from the Assessor, shall give five days' notice thereof by posting a notice in three public places in the district, and shall sit for at least three days as a Board of Equalization at

Equalization

such time and place as shall have been named in said posted notices; and they shall have the same power as County Boards of Equalization to make any changes in said assessment roll.

SEC. 99. As soon as the rate of taxation has been determined, ^{Collection.} as provided in the last preceding section, the Trustees shall place the tax list in the hands of the Collector, who shall then proceed to collect the tax, and shall, within sixty days, return the roll to the Trustees, with the word "paid" marked opposite the name of each person or description of property from whom or on which he has received the tax; and he shall also at the same time file with the Trustees the County Treasurer's receipt for all the moneys by him collected; and the persons and property on the roll not by the Collector marked "paid," shall be deemed delinquent, and the Trustees shall deposit said roll with the District Attorney, who shall proceed to collect the delinquent taxes in the manner prescribed by law for other delinquent tax; and said roll, or any certified copy thereof, shall have the same force as evidence as a duplicate or delinquent tax roll of State and county taxes.

SEC. 100. In case any Assessor or Collector of district taxes ^{Vacancy in offices of Assessor and Collector.} shall refuse or neglect to qualify within ten days of his election or appointment, or having qualified shall refuse or neglect to act, or in case of any vacancy from any other cause in either or both of said offices, the Board of Trustees shall appoint some proper person or persons to fill the place or places.

OF RATE BILLS.

SEC. 101. After a school shall have been maintained five months free to all pupils, in districts having more than one hundred pupils, and taxable property assessed at over two hundred thousand dollars, and not otherwise, the Trustees of any district shall have power and it shall be their duty to assess such rate bills of tuition as they may deem necessary for the payment of teachers' salaries, in addition to the public moneys of such district. Said rate bills of tuition shall be made out by said Trustees against all persons sending children to school, in proportion to the number of children sent to school, and the time of attendance of such children, to be determined by the teacher's register; and the Trustees shall exempt such indigent persons from the payment of said rate bills as they may consider entitled to such exemption. Said Trustees shall appoint a Collector of such rate bills, who shall take the constitutional oath of office, whose duty it shall be to present said rate bills to the person so assessed, and demand payment thereof; and if such person, after thirty days' notice by the said Collector shall refuse or neglect to pay said rate bill, then the said Collector shall return the same to said Trustees, with his certificate thereon, stating that demand has been made and that said person has refused or neglected to pay the same, and stating the date of notification and of return. The Trustees thereupon shall bring suit in the ^{suit.} name of the people of the State of California as plaintiffs, in any Justice's Court of the township or city in which said district may be situated, for the collection of said rate bill with costs of suit. Said rate bill, certified by said Collector, shall be prima

facie evidence that said rate bill has been properly assessed, and that all proceedings thereon have been lawfully conducted, and that the sum mentioned therein is due from the party named. In case of any suit under the provisions of this section, the Justice of the Peace in whose Court it is brought, and the officer in whose hands the papers are placed for service, shall perform the duties required without payment in advance, and without any payment whatever, unless the same is made at cost of defendant; and any witness subpoenaed shall attend without being entitled to demand or receive any fee or mileage in advance; and no witness shall receive any fee or mileage unless the same is made out of the defendant as costs; and in case of judgment for defendant, it shall be general and without costs; and in case a majority of the Trustees demand it, a writ of attachment shall issue without a bond being filed, and without any other matter or thing being had or done, except the filing of the unpaid rate bill, with the officer's affidavit thereto, as herein required. Except in any new district in which a school for the first time is opened, no Board of Trustees shall have any power to levy or collect any tuition or rate bills until a free school shall have been maintained for at least three months in each year; and the Superintendent of Public Instruction shall deduct and withhold twenty-five per cent of the State School Fund otherwise due from any district in which a school has been maintained in violation of this section.

Special district tax.

SEC. 102. The Board of Trustees of any school district, whenever the estimated State and county school moneys to be apportioned to such district shall be deemed by them insufficient to maintain a free school five months in each year as required in the preceding section, shall proceed to levy a direct tax upon all the taxable property of the district sufficient to raise an amount which, together with the estimated amount of State and county school money to be received, shall maintain a free school five months. The Trustees, in making their estimate of money to be apportioned to the district, shall base their calculation on the written statement of the County Superintendent, and shall include in their estimate of the amount necessary to be raised by tax, all probable contingent expenses for furniture and incidentals authorized by law, as well as for the salary of a teacher; and such estimates shall all be recorded by the District Clerk in the record book of the Board, and said record shall be prima facie evidence of the necessity of the tax and of the amount to be levied. Such tax shall be assessed, equalized, and collected in the manner prescribed for assessing, equalizing, and collecting taxes voted for school purposes as provided in this Act, except that the Trustees may appoint an Assessor and Collector.

GENERAL PROVISIONS.

School Funds.

Apportion-
ment.

SEC. 103. All State school funds apportioned by the Superintendent of Public Instruction, and all county school moneys apportioned by County Superintendents of Common Schools, shall

be apportioned to the several school districts and cities in proportion to the number of school census children between five and fifteen years of age, as shown by the returns of the School Census Marshals for the next preceding school year; *provided*, that Indian children who are not living under the guardianship of white persons, and Mongolian children, shall not be included in the apportionment list.

SEC. 104. The State School Fund, excepting as otherwise provided in this Act, shall be used for no other purpose than the payment of teachers legally qualified and employed under the provisions of this Act. County school moneys may be used by the County Superintendent and Trustees for the various purposes as authorized and provided in this Act.

SEC. 105. No school district shall be entitled to receive any apportionment of State or county school moneys unless the teachers employed in the schools of such district shall hold legal certificates of fitness for the occupation of teaching, in full force and effect.

SEC. 106. No school district shall be entitled to receive any apportionment of State or county school moneys which shall not have maintained a free public school for at least three months during the then next preceding school year; *provided*, that any new district, formed by the division of an old one, shall be entitled to its apportionment when the time that school was maintained in the old district before division, and in the new district after division, shall be equal to at least three months, as required in section one hundred and one. Any school district which shall neglect or refuse to adopt and use the State series of text books required in pursuance of law, shall not be deemed or adjudged a school district within the meaning of this Act.

Of Penalties and Disabilities.

SEC. 107. When any school officer is superseded by election or otherwise, he shall immediately deliver to his successor in office all books, papers, and moneys pertaining to his office; and every such officer who shall refuse to do so, or who shall wilfully mutilate or destroy any such books or papers or any part thereof, or shall misapply any moneys intrusted to him by virtue of his office, shall be guilty of misdemeanor, and shall be punished by a fine, in the discretion of the Court, not exceeding one hundred dollars.

Penalty for
refusal to de-
liver books,
misaplica-
tion of
money, etc.

SEC. 108. Every person elected or appointed to any office mentioned in this Act, shall, before entering upon the discharge of the duties thereof, take an oath to support the Constitution of the United States and of this State, and faithfully discharge the duties of his office according to the best of his abilities. In case such officer has a written appointment or commission, his oath shall be indorsed thereon; otherwise, it may be taken orally. In either case it may be sworn to before any officer authorized to administer oaths; and school officers are hereby authorized to administer all oaths relative to school business appertaining to their respective offices without charge or fee.

SEC. 109. If any School Trustee or member of any Board of Education shall refuse or neglect to perform any official act or

Oath of office

Neglect of
duty.

duty prescribed by law, he shall be liable to the pains and penalties of the Act of March fourteenth, eighteen hundred and fifty-three, entitled an Act to prevent extortion in office and to enforce official duty.

No interest in contracts. SEC. 110. No School Trustee or member of any Board of Education shall be directly or indirectly interested in any contract made by the Board of which he is a member; and any contract made in violation of this provision shall be null and void. No Trustee or member of any Board of Education shall receive any compensation for his official services.

No compensation. SEC. 111. All fines and penalties not otherwise provided for in this Act shall be collected by an action in any Court of competent jurisdiction, and shall be paid into the District or County School Fund, as the case may be.

Collection of fines. SEC. 112. Any parent, guardian, or other person, who shall upbraid, insult, or abuse any teacher in the presence of the school, shall be guilty of a misdemeanor, and be liable to a fine of not less than ten nor exceeding one hundred dollars.

Disturbance of meetings. SEC. 113. Any person who shall wilfully disturb any public school, or any public school meeting, shall be guilty of a misdemeanor, and liable to a fine of not less than ten nor more than one hundred dollars.

Neglect to appoint Census Marshal. SEC. 114. In case any Board of Trustees or Board of Education shall fail to appoint a Census Marshal at the proper time, and if through such neglect the district shall fail to receive its apportionment of school moneys, said Trustees or members of said Board of Education shall be, jointly and severally, individually liable to the district for the full amount so lost, and it may be recovered on a suit brought by any citizen of such district, in the name of and for the benefit of the district.

Neglect to open School or levy tax. SEC. 115. If any Board of Trustees shall neglect or refuse to open a school when there is sufficient money in the Treasury to maintain one for five months, or if any Board neglect or refuse to levy a tax for maintaining a school five months, as provided in this Act, it shall be the duty of the County Superintendent, whenever he shall be satisfied of such facts, to remove from office any one or all of the Trustees of such Board, and appoint to fill the vacancy.

Reference of disputes. SEC. 116. All cases of dispute in relation to school matters, not properly belonging to Courts of justice, may be referred first to the County Superintendent, and appealed to the State Superintendent.

Miscellaneous.

Educational and literary institutions to report biennially. SEC. 117. All incorporated literary institutions, and all institutions having educational departments, to which State appropriations are made, shall report biennially to the Superintendent of Public Instruction such educational statistics as he may require.

Election of school officers. SEC. 118. Every member of any Board of Education, and every Superintendent of Public Schools in any incorporated city having a special school law, shall hereafter be elected by direct vote of the people; and all laws or parts of laws in conflict with this provision are hereby repealed. And in any city in which such school officers have heretofore been appointed, the

Common Council or Board of Supervisors shall make provision by ordinance for the election of school officers at the general election, or at special elections; *provided*, that the terms of officers already appointed may be continued until the time of the next general or city election; and if provision for such election is not made, any ten voters may call it, on thirty days' notice.

SEC. 119. The school year shall begin on the first day of ~~school year~~ July, and end on the last day of June.

SEC. 120. All printing or binding required under this Act ^{Printing and binding.} shall be executed by the State Printer, in the form and manner and at the prices of other State printing, and shall be paid for in like manner out of the General Fund of the State.

SEC. 121. This Act shall be known and referred to as the ^{Title of Act.} "Revised School Law," and no other title or reference shall be necessary.

SEC. 122. The Act entitled an Act to provide for the main- ^{Repeal.} tenance and supervision of common schools, approved April sixth, eighteen hundred and sixty-three, and an Act amendatory of and supplementary to the Act of April sixth, eighteen hundred and sixty-three, entitled an Act to provide for the main-tenance and supervision of common schools, approved March twenty-second, eighteen hundred and sixty-four, and all Acts and parts of Acts, whether general or special, so far as they are inconsistent with the provisions of this Act, are hereby repealed; but such repeal shall not affect any legal proceedings taken, or ^{Exceptions.} taxes levied, or officers elected, in accordance with the provi-
sions of such repealed laws.

SEC. 123. This Act shall take effect from its passage.

CHAP. CCCXLIII.—An Act to authorize the Board of Supervisors of San Luis Obispo County to fix the amount of the bond of the Tax Collector of said county.

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of San Luis Obispo ^{County.} is hereby authorized to fix the amount of the bond which shall be required of the Tax Collector, or Sheriff, ex officio Tax Collector, of said county, not less than five thousand dollars, anything in section twenty-six of the Act of the Legislature to provide revenue for the support of the government of this State, passed May seventeenth, eighteen hundred and sixty-one, to the contrary notwithstanding.

SEC. 2. This Act to be in force from and after its passage.

CHAP. CCCXLIV.—*An Act to provide for the time of holding the County Court and Probate Court of the County of Contra Costa, and to authorize special terms of the County Court to be holden therein.*

[Approved March 28, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Terms of Court. SECTION 1. The regular terms of the County Court and Probate Court of Contra Costa County shall commence on the first Monday of March, August, and November of each year, and continue until the business of said Court shall be disposed of.

Special term of County Court. SEC. 2. Special terms of the County Court may be held at any time when in the opinion of the County Judge it shall be necessary or expedient; *provided*, that when the County Judge shall order such special term to be holden he shall specify in the order the time when the term will be holden, and the reasons therefor. The order shall be entered in the minutes of the Court, and the Clerk shall cause a copy of such to be posted at the Court House door in said county for ten days successively before the commencement of the term, and he shall also cause a copy of such order to be published by one insertion in some newspaper printed in said county, at least six days before the commencement of such special term. At such special term the Court shall have power to hear, try, and determine all actions that might legally be tried at a regular term of said County Court, and to hear and dispose of all motions and orders with like legal effect. And all the acts of said Court at such special terms shall be as effective and binding in law as though done at a regular term of said Court.

Trial jury. SEC. 3. When a trial jury shall be required at any special term of the County Court holden in accordance with the provisions of this Act, the Court may order the Sheriff to summons, either immediately or for a day fixed, from the citizens of the county, but not from the bystanders, a sufficient number of persons to form a trial jury for said term. Grand juries may be summoned and impanelled, and indictments found at such special terms in the same manner and with like legal effect as at the regular terms of said County Court.

Grand jury. SEC. 4. This Act shall take effect and be in force from and after the first day of July, Anno Domini eighteen hundred and sixty-six, and all laws and parts of laws so far as they conflict with this Act are repealed.

CHAP. CCCXLV.—An Act to provide for the construction of a canal for irrigating certain lands between the Mokelumne and Calaveras Rivers, in San Joaquin County.

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. D. J. Locke, L. H. Brannack, T. Henderson, Ross Franchise. Sargent, Henry Barnhart, James Taylor, and their associates and assigns, are hereby authorized to construct and maintain a canal for irrigating the land lying between the Mokelumne and Calaveras Rivers, commencing at a point somewhere between Put's Bar and Boston Bar, on the Mokelumne River, and from thence to tide water; the said canal, together with its branches, to be of sufficient width and depth to afford the requisite amount of water for the purpose aforesaid, and to be commenced within one year and a half, and completed and put in operation within three years after the passage of this Act.

SEC. 2. The persons named in the first section of this Act, Right of way. and their associates and assigns, shall have the right of way over and along the route of said canal and its branches, and the right to enter upon and occupy private lands necessary to the location thereof, to construct all works necessary to the object in view, to make all surveys necessary to the selection of the best site for the works and of the lands required therefor, and to acquire all lands, waters not previously appropriated, and other property necessary to the proper construction, use, supply, maintenance, repairs, and improvements of the works, at a value to be ascertained by two persons, one to be chosen by [the] owner of said property and the other by the owners of said canal; and in case they cannot agree, they shall have power to appoint a third party, and the appraisement of any two of said parties shall be considered the value of said property.

SEC. 3. The parties aforementioned and their associates and assigns shall have power, and the same is hereby granted them, Rules and regulations.. to make rules and regulations for the management and preservation of their works, not inconsistent with the laws of this State, and for the use and distribution of the waters of said canal, and to establish, collect, and receive rates, water rents, or tolls, for the term of twenty-five years from the passage of this Act; which rates, water rents, or tolls shall be subject Tolls. annually to regulation by the Supervisors of the county, but shall not be reduced so low as to yield an income of less than twenty-four per cent per annum upon the cost of constructing said canal and its branches, over and above the expense of collecting charges for said water and of keeping said canal and its branches in repair; provided, that after the expiration of ten years from the completion of said canal as provided in this Act, Right of purchase reserved. the County of San Joaquin shall have the right to purchase the same, with all the rights and privileges connected therewith, by paying therefor the original cost of construction; but after

such purchase the tolls shall be so regulated as not to produce an income of over twelve per cent per annum on the purchase money, over and above the necessary expense of collection, care, and repairs of said canal.

Bridges.

SEC. 4. Said parties shall construct and keep in good repair at all times for public use, across their canal or its branches, all of the bridges that the County Supervisors shall require, said bridges being on the lines of the public highways, and necessary for public use in connection with such highways.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCCXLVI.—*An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, approved May first, eighteen hundred and fifty-one.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five hundred and ten of said Act is hereby amended to read as follows:

Bail in death penalty offences. Section 510. No person shall be admitted to bail when he is charged with an offence punishable with death where the proof is evident or the presumption great; but the finding of an indictment by a grand jury shall in no case be taken to create such a presumption as to preclude the Court in its discretion admitting a defendant to bail.

CHAP. CCCXLVII.—*An Act creating the office of District Collectors and Assessors in the County of Butte.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Revenue districts.

SECTION 1. The County of Butte shall be divided by the Board of Supervisors of said county into a convenient number of revenue districts, to consist of not more than ten and not less than five. Said revenue districts shall be formed and designated by said Board of Supervisors on or before the first day of June, A. D. eighteen hundred and sixty-seven. The boundaries of said districts shall be described, and said districts numbered; and the description and numbers of said districts shall be entered on the journal of said Board of Supervisors.

Election.

SEC. 2. There shall be elected in each of said revenue districts in the County of Butte, at the general election to be held in the year A. D. eighteen hundred and sixty-seven, and at the general election to be held every two years thereafter, one District Col-

lector, who shall be ex officio District Assessor, and who shall hold his office for the term of two years from and after the first Monday in March subsequent to his election, and until his successor is duly elected or appointed and qualified.

SEC. 3. Every District Collector shall, before he enters upon the duties of his office, make and file his bond in the office of the County Clerk, with two or more sureties, to be approved by the Board of Supervisors, in such sum as the said Board of Supervisors by an order entered on its journal shall prescribe, conditioned for the true and faithful performance of the duties of his office.

SEC. 4. In case of a vacancy occurring in the office of District Collector, or failure of any District Collector to qualify as required by this Act, the Board of Supervisors shall appoint some suitable person residing within the district, and possessing all the qualifications of an elector, to fill the vacancy; and the person thus appointed shall give the same bond and take the like oath that is required of District Collectors elected by the people, and shall hold his office during the remainder of the unexpired term, and until his successor is elected and qualified.

SEC. 5. The District Collector shall collect all foreign miners' license taxes, all poll taxes, all State and county licenses, and all other taxes that may be required to be collected by him by law within his district, except the property tax of persons owning real estate, and now payable to the Treasurer of said county. He shall visit every section of his district at least once in each month, and shall collect from every person therein liable to pay the same, all taxes and licenses due by such person or persons.

SEC. 6. Each District Collector shall keep a book in which he shall enter:

First—The name of each person or persons from whom he shall have collected any tax or license, the amount so collected, and for what particular tax or license the same was collected;

Second—He shall, in said book, enter the name of all persons engaged in any business, trade, or profession, the carrying on of which is by law required to be done under a license from either the State or county, and shall correct said list from time to time as any person or persons shall cease to be engaged in such business, or as any person or persons shall engage in any business, trade, occupation, or profession for which, before the engaging therein, they should have procured a license; said book shall be the property of the county, and open for inspection at the office of said Collector on Saturday of each week from nine o'clock A. M. to four o'clock P. M., and shall be by said Collector delivered to his successor in office.

SEC. 7. Each District Collector shall, on the first Monday of each month, make a full settlement with the County Treasurer and County Auditor. He shall first pay over all moneys collected by him for property taxes, foreign miners' licenses, poll taxes, and State and county licenses, less his fees for collections, to the County Treasurer, and take from said Treasurer receipts in duplicate for the same. Said receipts shall show:

First—The amount paid to said Treasurer for money collected for property taxes;

Second—The amount paid to said Treasurer for money collected for foreign miners' licenses sold;

Third—The amount paid to said Treasurer for money collected for State and county licensees that shall have been issued to him by the County Treasurer, designating how much he has received for each class and kind;

Fourth—The amount paid to said Treasurer for money collected for poll taxes;

Fifth—The total receipts.

One of said receipts the Collector shall forthwith deliver to the Auditor, and shall settle with said officer.

Compensa-
tion.

SEC. 8. Each Collector shall be allowed, at each monthly or other periodical settlement, three per cent upon all moneys collected for property tax; twenty per cent upon all moneys collected for foreign miners' licenses; fifteen per cent upon all moneys collected for poll taxes; and ten per cent upon all moneys collected for State and county licenses in the preceding month, (or other period, as the case may be,) and the fees now allowed by law for enforcing the same. Seventy-five cents of the extra dollar collected on poll taxes after the first Monday in August, shall be paid to the County Treasurer for the School Fund of the county, and twenty-five cents be retained by the Collector as fees, in addition to fifteen per cent on the first two dollars which it shall be lawful for him to retain as compensation for the collection of said poll tax.

Oath at
settlement.

SEC. 9. Each Collector, at each monthly or other periodical settlement with the County Auditor and the County Treasurer, and before each of them, shall take the following oath:

I do solemnly swear that I have for the month (or other period, as the case may be) preceding this settlement, diligently and faithfully, and to the best of my ability, performed the duties of Collector in and for District No. —, in Butte County, and that I have not knowingly permitted any person or persons to escape from, avoid, or evade the payment of any property tax, foreign miners' license tax, poll tax, or any license for State and county purposes that I have the authority to enforce the collection of; and that the sum of —— dollars, paid over by me to the County Treasurer, is the just and true sum received by me for the preceding month (or other period, as the case may be) from all sources whatever, for State and county revenue, less the fees allowed me by law for collecting the same; and that I have not issued, or caused or permitted to be issued, any foreign miners' license, poll tax receipts, or State and county licenses, not furnished me by the proper officers; and that I have in no instance taken from any person or persons any sum of money or other valuable thing whatever, or promise of reward, and allowed the said person or persons to evade the payment of their foreign miners' license tax, or their poll tax, or their property tax, or their State or county license. So help me God.

Authority to
administer
oath.

And each the said Treasurer and Auditor are expressly authorized and required to administer the preceding oath to each Collector aforesaid at each monthly (or other periodical) settle-

ment; and any Collector who shall, knowingly, wilfully, or ~~False~~
corruptly, swear falsely to any matter in said preceding oath ~~swearing.~~
contained, shall be deemed guilty of perjury, and upon conviction
shall be punished accordingly.

SEC. 10. Each District Assessor, before entering upon the ~~Assessor's~~ ^{bond.} duties of his office, shall execute to the people of the State of California a bond, in addition to his bond as Collector, in such sum as the Board of Supervisors of said county by an order entered on its journal shall prescribe, with two or more sufficient sureties, to be approved by said Board of Supervisors, conditioned for the faithful performance of his duties as required by law; and shall take the oath of office, which shall be indorsed on his certificate of election or appointment.

SEC. 11. The County Auditor of said county shall, with the ~~Assessment~~ ^{roll.} advice and assistance of the District Attorney, prepare an assessment roll, with the proper headings, in a well bound book, for each Assessor, and shall, on or before the first Monday in March in each year, deliver the same to each Assessor in said county.

SEC. 12. On or before the first Monday in July, each District ^{Oath to be attached to assessment roll.} Assessor shall complete his assessment roll, and make and subscribe before the Clerk of the Board of Supervisors of his county an affidavit, which shall be attached to his assessment roll, which shall be substantially in the following form:

I, A. B., do solemnly swear that the foregoing is a true and correct assessment roll of my district in the County of Butte; that I have diligently and faithfully performed all the duties required of me by law; that I have made diligent search for all taxable inhabitants, and in every case demanded from each person, and firm, and from the President, Cashier, Treasurer, Secretary, or Managing Agent of each corporation, association, or company within my district, when such person could be found, a statement under oath of all the taxable property of such person, and firm, corporation, association, or company; and that I have impartially assessed the value of all property within my district. So help me God.

And at the same time he shall deliver it to the Clerk of the Board of Supervisors, who shall from that time keep the same open for inspection in his office until the meeting of the Board of Equalization; provided, that the statement required by this section shall be a written statement under oath from all persons, firms, corporations, associations, or companies liable to pay a poll tax or a property tax in said county.

SEC. 13. During the session of the Board of Equalization the ^{Equalization} Clerk thereof shall enter upon the assessment roll of each district all changes and corrections made by the Board, and shall on their adjournment forthwith deliver the assessment rolls so corrected to the County Auditor, whose duty it shall be to add up the columns of valuation of each description of property on the assessment roll of each district; and on or before the first Monday of August he shall deliver a true copy of the corrected assessment roll of each district, to be styled "A Duplicate Assessment Roll," with the State, county, and other taxes and ^{Duplicate assessment roll.}

totals of taxes to each person carried out in separate columns, with his certificate and seal attached thereto, to the Collector for whom the assessment roll was made.

**Statement
for Con-
troller.**

SEC. 14. On delivering the duplicate assessment roll to the Collector, the Auditor shall charge him with the full amount of taxes assessed and uncollected in his district, and shall forthwith transmit by mail to the Controller of State a statement of the total amount so charged in his county, together with the aggregate assessed value of the property upon which the same is due, which statement shall be verified by the oath of the Auditor, and entered by the Controller in the proper records of his office.

**Assessor and
Collector
liable under
general law.**

SEC. 15. The District Assessors and Collectors provided for herein shall be responsible in all respects to, and shall be liable under the general laws relating to County Assessors and Collectors, where said laws are not qualified by the provisions of this Act. And the said Assessors and Collectors are hereby clothed with the same authority, in their official capacity, as are the County Assessors and Collectors, to the extent of their respective districts.

**Compensa-
tion.**

SEC. 16. Each District Assessor shall receive a per diem, to be fixed by the Board of Supervisors, not exceeding five dollars; *provided*, that the Board of Supervisors may limit the number of days for which each Assessor may be allowed for assessing his district; and, *provided*, further, that such compensation shall in no case exceed in each district two hundred dollars in each year; and, *provided*, further, that the Board of Supervisors shall discriminate in such manner as shall be just, and allow different amounts of compensation to said Assessors, according to the amount of money each said Assessors shall receive by way of fees as Collector of foreign miners' licenses, allowing a larger compensation to Assessors in districts where little or no foreign miners' licenses are collected.

**Changing
time of set-
tlement, etc.**

SEC. 17. The Board of Supervisors of Butte County are hereby authorized and empowered to change the time at which the District Tax Collectors or any of them are required to make their settlements with the Auditor and Treasurer of said county, and also may release any Collector from visiting every portion of his district once every month as required by this Act. But no District Collector or Assessor shall be released from any duty herein required, except by an order of the Board of Supervisors, entered on its journal to that effect.

**Office abol-
ished and
office created**

SEC. 18. On and after the first Monday in March, A. D. eighteen hundred and sixty-eight, the office of County Assessor of said county is hereby abolished; and the office of District Collector, who shall be ex officio District Assessor, is hereby created, in accordance with the provisions of this Act.

Vacancy.

SEC. 19. In case of the resignation, death, or other inability to discharge the duties of the Collector of Licenses, or the duties of Assessor, by either of the present incumbents in said county, it shall be lawful for the Board of Supervisors to appoint said officer as provided in this Act, and such appointed officer or officers shall enter upon and perform his duties under this Act as fully as if he had been elected as herein provided; and this Act shall be in full force and effect for the purposes provided in this section.

SEC. 20. All Acts and parts of Acts inconsistent with the provisions of this Act so far as they conflict with this Act are hereby repealed.

CHAP. CCCXLVIII.—An Act to organize and regulate the Justices' Court in the City and County of San Francisco.

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be in and for the City and County of San Francisco one Justices' Court, which shall have the powers and jurisdiction now prescribed and conferred by law upon Justices of the Peace and Justices' Courts in said city and county. All actions, suits, and proceedings whereof Justices of the Peace and Justices' Courts in said city and county have jurisdiction, shall be commenced, entitled, and prosecuted in said Court. The said Court shall be always open, non-judicial days excepted, and causes therein may be tried before the presiding Justice, before any one of the Justices before whom the original process may be made returnable, or to whom the cause may be assigned or transferred for trial, or before any three Justices of the Peace constituting the Court in bank as hereinafter provided; but the Court in bank shall have exclusive power to hear and determine all applications for new trial. For the organization of said Court, Justices of the Peace, a Justice's Clerk, and Constables shall be elected or appointed as hereinafter provided.

SEC. 2. There shall be for the City and County of San Francisco five Justices of the Peace, to be elected by the City and county at large at the time, in the manner, and for the term as now prescribed by law for the election of such Justices.

SEC. 3. The Board of Supervisors shall annually appoint one Presiding Justice.

of the Justices of the Peace to be presiding Justice, who as such shall hold office for one year and until his successor shall be in the same manner appointed; and any one of the other Justices may attend, preside, and act as presiding Justice during the temporary absence or disability of the Justice so appointed. The Board of Supervisors shall also appoint a Justice's Clerk, on the written nomination and recommendation of the said Justices, or a majority of them, who shall hold office for two years and until his successor is appointed and qualified. The Clerk shall take the constitutional oath of office, and give bond, with at least two sufficient sureties, to be approved in the same manner as the official bonds of other officers of the city and county, in the sum of ten thousand dollars, payable to the City and County of San Francisco, conditioned for the faithful discharge of the duties of his office, and well and truly to account for and pay into the Treasury of said city and county as required by law all moneys by him collected or received, and by law designated for that use. A new or additional bond may be required by the Mayor, Auditor, and County Judge, or any two of them,

Appointment and bond of Justices' Clerk.

whenever they may deem it necessary, and on failure to furnish such new or additional bond within three days after it shall be required, the office shall become vacant.

Constables.

SEC. 4. There shall be for said city and county two Constables, to be appointed by the Board of Supervisors, who shall hold office for two years, and until their successors shall be appointed and qualified. The Constables shall take the oath of office and give bond, as now provided by law. If it should appear to the satisfaction of the Board of Supervisors, after giving to the Constables in office an opportunity to be heard before them, either verbally or in writing, that two Constables cannot by the exercise of due diligence perform all the necessary official labor devolving upon them, then the said Board may appoint one additional Constable (making three in all) to hold office during the pleasure of the Board, and such additional officer may be dispensed with and appointed anew as the Board may deem necessary.

Court room.

SEC. 5. The Board of Supervisors shall provide in some convenient locality in said city and county a suitable building, with rooms for the Clerk's office, Court room, and separate rooms for offices or chambers for each of the Justices of the Peace, (the presiding Justice excepted,) for the transaction of their official business, and shall also provide suitable furniture therefor; or, if said Board should deem it necessary and expedient, offices or chambers for the Justices may be provided and assigned for

Office hours.

them in different buildings and places. At the Clerk's office the presiding Justice and Justices' Clerk shall be in attendance daily, non-judicial days excepted, from the hour of nine A. M. until five P. M., and at such other convenient hours as may be required by urgent official business; and the other Justices aforesaid shall be in attendance at their respective offices or chambers for the dispatch of official business daily from the hour of nine

Absence.

A. M. until five P. M. Unless otherwise ordered by the Board of Supervisors, leave of temporary absence may be granted by the Mayor to the Clerk or any of the Justices when such absence will not materially prejudice or delay official business; but absence for more than two hours in a day, or for more than four days in one month, shall be charged with a proportionate deduction of salary.

Issuing of legal process.

SEC. 6. All legal process of every kind which the Justices of the Peace of the said [city] and county, or any of them, are or may be authorized to issue, for the issuance or service of which any fee is or may be allowed by law, shall be issued by the said Clerk upon the order of the presiding Justice, or upon the order of one of the said Justices of the Peace, and the fees for issuance and service of all such process, and all other fees which now are or hereafter may be allowed by law for any official services of Justices, Constables, or Justices' Clerk, shall be exacted and paid in advance into the hands of the said Clerk, and by him daily or weekly, as the Board of Supervisors may require, and before his salary shall be allowed, accounted for in detail under oath, and paid into the Treasury of the city and county as part of the Special Fee Fund; *provided*, that such payment in advance shall not be exacted from parties who, upon proving to the satisfaction of the presiding Justice by their own affidavit or other evi-

Fees in advance.**Inability to pay fees.**

dence setting forth the facts and circumstances of their demand that they have a good cause of action, and that they are not of sufficient pecuniary ability to pay the legal fees in advance, shall be admitted by such Justice to sue either *in formā pauperis*, or without such prepayment; and, *provided*, further, that subpoenas for witnesses may in the proper cases be issued by the Clerk without a Justice's order.

SEC. 7. After this Act takes effect it shall not be lawful for any Justice of the Peace or Constable in the City and County of San Francisco to collect or receive any fee or compensation whatever (other than the salary in this Act allowed out of the Treasury) for any official services, but all fees or moneys legally chargeable for such services shall be paid into the hands of the Justices' Clerk as aforesaid, and no judgment shall be rendered in the said Justices' Court, or in any action before said Justices, or any of them, until the fees allowed therefor, and all fees for previous services which are destined to be paid into the Treasury, shall have been paid as in this Act provided, except in case of poor persons as provided in the preceding section.

SEC. 8. All actions and proceedings commenced after this Act takes effect in the City and County of San Francisco whereof the Justices of the Peace have jurisdiction, shall be entitled in "Justice's Court of the City and County of San Francisco," and shall be commenced in said Court as hereinbefore provided, and the original process shall be returnable, and the parties required to appear before the presiding Justice at the aforesaid Justices' Court room, or before one of the other Justices of the Peace, by the presiding Justice to be designated; but all complaints, answers, and other pleadings and papers required to be filed shall be filed, and a record of all such actions and proceedings shall be made and kept in the Clerk's Office aforesaid; and the presiding Justice, and each of the other Justices, shall have power to hear, try, and determine any action so commenced, and which shall be made returnable before him, and to make any necessary and proper orders therein. The presiding Justice shall also have power in his discretion, on hearing the wishes and objections of the parties, to assign any cause returnable before him after issue joined therein, and in the cases provided for in the next section to transfer any cause returnable before any other Justice for trial before some other Justice of the Peace, or before three Justices, who shall in such case sit together in the Justices' Court room, and constitute the Court in bank; and the presiding Justice may in like manner assign any contested motion, application, or issue in law arising in any cause, returnable before him, for hearing before any other Justice or before the Court in bank as aforesaid; and the said Court, Justice, or Justices to whom any cause, motion, application, or issue shall be so as aforesaid assigned or transferred, shall have full power, jurisdiction, and authority to hear, try, and determine the same accordingly.

SEC. 9. If at the time of setting or assigning for trial any cause or matter returnable or pending before the presiding Justice, either party shall object to any one of the Justices on the ground that he is a material witness for such party, or that

he cannot have a fair trial before such Justice, or on any other valid ground, the presiding Justice, in case such objection is substantiated in the manner prescribed by section five hundred and eighty-two of the Civil Practice Act, shall allow such objection and not assign the case for trial or any matter or motion therein for hearing before the Justice so objected to, but may assign the same to be tried or heard before some other Justice; and if at the time of joining issue in a cause returnable before any other Justice, objection shall be made to having the cause tried before such Justice on the ground that such Justice is a material witness for either party, or on the ground of the interest, prejudice, or bias of such Justice, and such objection be substantiated in the manner aforesaid, then the Justice before whom the cause is pending shall suspend proceedings therein, and the presiding Justice, on motion and production before him of the same affidavit and proofs, shall order the transfer of the action for trial before some other Justice by him to be designated, which shall accordingly be done on the terms and in the manner prescribed in the aforesaid section of the Civil Practice Act.

Transfer of cause.

Cases to be certified to District Court.

SEC. 10. Cases which by the provisions of section five hundred and eighty-one of the Civil Practice Act are required to be certified to the District Court by reason of involving the question of title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, shall be so certified by the presiding Justice and Justices' Clerk; and for that purpose if such question shall arise on the trial while the case is pending before one of the other Justices, such Justice shall certify the same in the manner in said section of the Civil Practice Act provided to the presiding Justice. All transcripts of judgments to be filed in the County Clerk's office or County Recorder's office shall be given and certified from the Justices' Register, and be signed by the Clerk and presiding Justice.

New trials, and appeals.

SEC. 11. Applications for new trial shall be made to the presiding Justice; and the affidavits, motion therefor, and other papers required to be filed shall be filed with the Justices' Clerk. The motion shall be heard and determined by the Court in bank. Appeals from judgements rendered in said Justices' Court may be taken and perfected in the manner now prescribed by law. The notice of appeal, and all papers required to be filed to perfect it shall be filed with the Justices' Clerk. The statement on appeal shall be settled, when necessary, before the Justice who tried the cause, or before one of the Justices, if tried in bank. The sureties on appeal, when required to justify, may justify before any one of the Justices. The transcript and papers on appeal shall be made out, certified, and returned to the County Court in the form prescribed by the Civil Practice Act, by the Justices' Clerk, verified also by the presiding Justice.

Justices to act as Clerk pro tem.

SEC. 12. The presiding Justice, whenever in his judgment the prompt dispatch of business shall demand it, may require the aid of one of the Justices of the Peace in the discharge either of his own duties or those of the Justices' Clerk, (the collection of fees, accounting for and paying the same into the Treasury, excepted,) and each of the Justices when so required shall for the purpose have the same power and authority as the presid-

ing Justice or Clerk in whose aid he shall Act; and any one of the Justices, when required as aforesaid, may act as Justices' Clerk pro tempore during the temporary absence or disability of the said Clerk, with the same powers, duties, and responsibilities.

SEC. 13. In a suitable book, strongly bound, the Justices' Clerk shall keep a permanent record of all actions, proceedings, and judgments commenced, had, or rendered in said Justices' Court; which book shall be a public record, and be known as the "Justices' Register," for which purpose the said Clerk shall give personal attendance and keep minutes of all proceedings had either before the presiding Justice or the Justices in bank; and such proceedings as may take place before the other Justices in cases returnable before them, or which may be assigned or transferred to them for trial or hearing, shall be entered in the dockets of such Justices; and minutes of proceedings shall be kept by such Justices, and be certified and returned, together with all pleadings and papers in the cause, to the presiding Justice, who shall cause the same to be filed, and the proper entries to be made in the cause in the Justices' Register.

SEC. 14. The Board of Supervisors, whenever they shall deem it necessary, may, by an order duly passed and entered in the records of said Board, establish one other Justices' Court, to be held at such place in the city and county as the public convenience may require, which shall not be within one mile and a half of the Justices' Court room in this Act provided for; and the said Board shall, by a similar order, designate one of the Justices of the Peace to hold such additional Court. The Justice so designated, and in case of his temporary absence, any other Justice of the Peace, shall have power to hold the said Court, and for that purpose shall have power to issue process, make all necessary orders, and exercise all the power, authority, and jurisdiction now conferred by law upon Justices of the Peace, and shall be governed in his proceedings in all respects by the laws regulating proceedings in Justices' Courts, but shall not be entitled to receive to his own use any fees or compensation for official services other than his salary as fixed by this Act.

SEC. 15. All fees for issuance and service of process in such additional Court, and all other fees which now are or hereafter may be allowed by law for any official services of the Justice or Constable in any cause or proceeding commenced or pending therein, shall be by the said Justice exacted in advance (except in case of poor persons provided for in section six) and be paid into his hands, and be by him weekly or monthly, as the Board of Supervisors may require, and before his salary shall be allowed, accounted for with the City and County Auditor in detail under oath, and in such form as the Auditor shall prescribe, and be paid into the Treasury of said city and county as part of the Special Fee Fund.

SEC. 16. The Justices' Court organized by this Act, and the additional Justices' Court which may be established by the Board of Supervisors under authority thereof, and the Justices of the Peace aforesaid, shall be governed in their proceedings by the provisions of the Civil Practice Act regulating proceed-

Justices'
Register.Additional
Justices'
Court maybe
established.Fees to be
paid into the
Treasury.Laws
governing
proceedings.

ings in civil cases in Justices' Courts, and by the provisions of law relating to any special cases and proceedings whereof jurisdiction is or may be conferred upon such Justices and Justices' Courts, so far as such provisions are not repealed, altered, or modified by those of this Act, and the same are or can be made applicable in the several cases arising before them.

Causes pending.

SEC. 17. All actions and proceedings pending and undetermined before any of the Justices of the Peace of the City and County of San Francisco at the time this Act takes effect shall be proceeded in, heard, and determined before the same Justices, and execution shall be issued thereon, and other proceedings therein, whether before or after judgment, whether on appeal or otherwise, shall be taken and had before said Justices in the same manner as if this Act had not been passed; but all suits and proceedings commenced after this Act takes effect shall be commenced, entitled, and prosecuted in the Justices' Court or the additional Justices' Court as in this Act provided.

County Court to make rules for government of Justices' Court.

SEC. 18. The County Court of the City and County of San Francisco shall have power to make rules, not inconsistent with the Constitution and laws, for the government of the Justices' Courts therein and the government of the officers thereof; but such rules shall not be in force until thirty days after their publication, and no rules shall be made imposing any tax or charge on any legal proceeding, or giving an allowance to any Justice or officer for services.

Salaries.

SEC. 19. The Justices of the Peace, Constables, and Justices' Clerk shall receive for their official services the following salaries, and no other compensation, payable monthly out of the City and County Treasury, and out of the Special Fee Fund, after being first allowed and audited as other similar demands are by law required to be allowed and audited:

To the Presiding Justice, three thousand dollars per annum; To the Justices' Clerk and each of the Justices of the Peace, (the Presiding Justice excepted,) twenty-four hundred dollars per annum each;

To each of the Constables, while only two are in office, twelve hundred dollars per annum; and for such time as there shall be three Constables in office and drawing pay, each shall receive at the rate of one thousand dollars per annum; and any Constable keeping a horse and using the same whenever requisite or necessary for the expeditious discharge of his official duties, (of which fact the Board of Supervisors shall be the exclusive judge,) shall be entitled to receive thirty dollars a month in addition to the aforesaid amount; but this allowance shall not be made to more than two of the Constables for the same time.

Officers not to act as counsel.

SEC. 20. It shall not be lawful for the Justices' Clerk, or any Justice of the Peace, or Constable of said City and County of San Francisco, to appear, or advocate, or in any manner act as attorney, counsel, or agent for any party or person in any cause or in relation to any demand, account, or claim pending or to be sued or prosecuted before said Justices, or any of them, or which may be within their jurisdiction. A violation of the provisions of this section shall be deemed a misdemeanor in office.

SEC. 21. No person other than an attorney at law, duly admitted and licensed to practice in Courts of record, shall be

permitted to appear as attorney or agent for any party in any cause or proceeding before said Justices, or any of them, unless he produce a sufficient power of attorney to that effect, duly executed and acknowledged before one of said Justices, or before some other officer authorized by law to take acknowledgment of deeds; which power of attorney, or a true copy thereof duly certified by one of the Justices aforesaid, (who, on inspection of the original, shall attest to its genuineness,) shall be filed among the papers in such cause or proceeding.

SEC. 22. The election of the six Justices of the Peace chosen at the last special judicial election in the City and County of San Francisco is hereby ratified and confirmed.

SEC. 23. This Act shall take effect and be in force from and after the first day of January, A. D. eighteen hundred and sixty-eight; provided, that at the general election next preceding that date there shall be elected for the City and County of San Francisco five Justices of the Peace, as provided for in section two of this Act, to succeed the present Justices after the expiration of the term for which they were elected; and thereafter, also, the Justices of the Peace in and for said City and county shall be elected at the general election; and all laws so far as they require Justices of the Peace in and for said city and county to be elected at the special judicial election are hereby repealed.

CHAP. CCCXLIX.—*An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, one thousand eight hundred and fifty, and of the Acts amendatory thereof and supplementary thereto.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, is hereby amended so as to read as follows:

Section 4. The proof or acknowledgment of every instrument whereby any real estate is conveyed or may be affected, shall be taken by some one of the following officers:

First—If acknowledged or proved within this State, by some Judge or Clerk of a Court having a seal, or some Notary Public, or County Recorder, or by a Justice of the Peace of the proper county where the conveyance is executed, and to be recorded only in such county.

Second—If acknowledged or proved without this State, and within any State or Territory in the United States, by some Judge or Clerk of any Court of the United States, or of any State or Territory having a seal, or by a Commissioner appointed by the Government of this State for that purpose, or by any Notary Public, Commissioner of Deeds, or Justice of the Peace authorized to take and certify the acknowledgment or proof of

deeds to be used in his State or Territory; *provided*, however, that where such proof or acknowledgment shall be taken and certified by any such Notary Public or Commissioner of Deeds other than Commissioners of this State, a certificate of the Secretary of the State or Territory shall also be affixed to the instrument so certified, to the effect that such Notary Public or Commissioner of Deeds other than Commissioners of this State at the time of taking such acknowledgment or proof was such officer, that the signature affixed to such certificate is his genuine signature, and that he is authorized by law to take the acknowledgment of deeds within the State or Territory or county in which he may be acting; and where such proof or acknowledgment shall be taken and certified by a Justice of the Peace, a certificate of the County Clerk of the county in which such Justice resides, or Clerk of a Court of record, shall also be affixed to the instrument so certified and to the like effect.

Outside the United States *Third*—If acknowledged or proved without the United States, by some Judge or Clerk of any Court of any State, Kingdom, or Empire having a seal, or any Notary Public therein, or any Minister, Commissioner, or Consul of the United States, appointed to reside therein; *provided*, however, that where such proof or acknowledgment shall be taken and certified by any such Judge or Clerk of Court, or any Notary Public without the United States, the same shall be accompanied by the certificate of a Minister or Consul of the United States resident in such State, Kingdom, or Empire, to the effect that such person was at the date of such proof or acknowledgment such officer, that the signature or seal, or both such signature and seal of such officer is genuine, and that such officer is authorized by law to take the proof or acknowledgment (as the case may be) of deeds where he may be acting. When any of the officers above mentioned are authorized by law to appoint a deputy, such acknowledgment or proof may be taken by such deputy in the name of his principal.

Instruments heretofore proved and acknowledged. SEC. 2. All acknowledgments or proofs heretofore taken of any instrument authorized by law to be recorded, acknowledged, or proven and certified, or which may be certified in the manner herein above provided, the record thereof shall be valid and of the like force and effect as if acknowledged or proven before the officer and certified to in the manner heretofore required by law; *provided*, that nothing in this Act shall be so construed as to affect in any manner the rights of any subsequent purchaser in good faith.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCL.—An Act to authorize and require the Board of Supervisors of Butte County to levy a tax for the support of Common Schools in said county, and to abolish taxation by School Districts for like purposes.

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Butte County are Levy of tax. hereby required, and it shall be their duty, to levy annually a tax on all the taxable property of said county, of thirty cents on each one hundred dollars of taxable property in said county, for the support of common schools therein. Said tax shall be levied and collected in the same manner other State and county taxes are now required by law to be levied and collected. All moneys collected under the provisions of this Act shall be paid into the County Treasury of said county, and be placed by the Treasurer in the Common School Fund of said county, and shall be used solely for the support of common schools in said county.

SEC. 2. It shall not be lawful for the people of the several school districts in said county, by a vote of the legal voters thereof, nor the Trustees of said school districts, either with or without such vote, to levy or collect any tax upon the taxable property of such districts for the support of common schools in the County of Butte; provided, this Act shall not be so construed as to prohibit the several school districts of said county from levying and collecting taxes for the building and furnishing of school houses as now or hereafter may be provided by law.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed so far as they conflict with this Act.

SEC. 4. This Act shall take effect immediately.

Trustees or
voters of
School Dis-
trict cannot
levy tax.

CHAP. CCCLI.—An Act to incorporate the Town of Vallejo.

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The inhabitants of the Town of Vallejo, in the Incorporated. County of Solano, are hereby constituted a body corporate and politic under the name and style of "The Town of Vallejo," and by that name and style they and their successors shall be known in law and have perpetual succession, and be invested with all the rights and privileges conferred by, and be subject to all liabilities, restrictions, and provisions of an Act entitled an Act to provide for the incorporation of towns, approved April nineteenth, eighteen hundred and fifty-six, so far as the provisions of said Act do not conflict with this Act.

SEC. 2. The Town of Vallejo aforesaid shall be bounded as Boundaries. follows: On the east by the range line between Ranges Three

and Four west, of Monte Diablo base and meridian; on the north by the north line of Sections Thirteen and Fourteen of Township Three north in Range Four west; and on the west and south by Mare Island Straits—containing six hundred and ninety acres.

Trustees. SEC. 3. The election of William Aspenall, William C. Greeves, and Eben Hilton, by the qualified electors of said town, to the office of Trustees of said town, and the confirmation of the same by the Board of Supervisors for the County of Solano, in the year one thousand eight hundred and sixty-four, are hereby legalized and confirmed. William Aspenall, William C. Greeves, and Eben Hilton, are hereby appointed Trustees of said town, who shall hold their offices until the general election in the year one thousand eight hundred and sixty-seven, and until their successors shall be elected and qualified.

Election, and term of office. SEC. 4. The corporate powers and duties of the Town of Vallejo shall be vested in a Board of Trustees, to consist of three members, who shall be elected by the qualified electors of the town at the general election in the year one thousand eight hundred and sixty-seven, and shall hold their offices for the term of two years, and until their successors are chosen and qualified.

Meetings. SEC. 5. The Board of Trustees shall assemble within ten days after their election, and choose a President, Treasurer, and Clerk, from their number. They shall, by ordinance, fix the times and places of holding their regular meetings, and may be convened by the President at any time.

Tax. SEC. 6. The Trustees of the said town shall have no power to impose any tax upon the real or personal property within the limits of said town.

Roads. SEC. 7. The Trustees of said town shall have power to collect from the Road Master of the Vallejo Road District one half of all the moneys collected by him within the bounds of this incorporation as a road tax, and appropriate the same to keeping the streets of said town in repair.

Streets. SEC. 8. The Board of Trustees shall have power to pass ordinances, to lay out and extend the streets and alleys of said town, and to provide for grading, draining, and cleaning, or otherwise improving the same.

Fire and nuisances. SEC. 9. The said Board of Trustees shall have power to pass all ordinances for the protection of the town against fire, and to prevent and remove nuisances.

Peaceofficers. SEC. 10. The Justices of the Peace and Constables within said town shall be conservators of the peace therein, and shall have jurisdiction in all civil and criminal cases not inconsistent with their jurisdiction as conferred by law.

No pay for Trustees. SEC. 11. The said Board of Trustees shall receive no compensation for their services.

SEC. 12. This Act shall be in force and take effect immediately from and after its passage.

CHAP. CCCLII.—An Act to amend an Act to provide for choosing Electors of President and Vice President of the United States, approved April twenty-eighth, eighteen hundred and fifty-two.

[Approved March 28, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of said Act is hereby amended so as to read as follows:

Section 6. The returns of the election in each county shall be transmitted by the County Clerk thereof to the Secretary of State on the tenth day after the day of election, or as soon as he has received the returns from each precinct of his county, if received within ten days. The County Clerk of each county, whenever it may be necessary, shall employ some person to convey the returns to the seat of government, and deliver them to the Secretary of State. The person performing such service shall be entitled to receive as compensation mileage at the rate of thirty cents a mile, computing the distance from the county seat to the seat of government by the usually travelled route; his account therefor, certified by the Secretary of State, shall be audited by the Controller, and paid out of the General Fund in the State Treasury; *provided*, that whenever the County Clerk of any county shall employ any person to convey the election returns to the seat of government he shall prepare a statement in writing in which the reasons for the employment of such person shall be specified, which statement shall be sworn to and subscribed by him, and indorsed as correct by the County Judge of the county, and forwarded at the same time and by the same person who may be employed to convey the election returns, and filed in the office of the Secretary of State. Any person conveying election returns without such statement and indorsement shall receive no compensation for mileage, or otherwise. On the Monday before the first Wednesday of December, or so soon as the returns have been received from all the counties in the State, if received before that day, the Secretary of State shall compare and estimate the votes given for Electors, and certify to the Governor the names of the proper number of persons having the highest number of votes; and thereupon the Governor shall transmit to each of such persons a certificate of election, and on or before the day of their meeting deliver to the Electors lists of names of Electors, and do all other things required of him in the premises by any Act of Congress in force at the time; *provided*, that the County Clerk shall also, on the tenth day after the election, or as soon as he shall have received the returns from each precinct in the county, if received within that time, transfer a certified copy thereof to the Secretary of State by mail; and if there be any express office within five miles of the county seat of his county, he shall also, immediately after receiving the returns of said election from the several precincts in his county, transmit a copy thereof by express to the Secretary of State.

CHAP. CCCLIII.—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Sutter County to levy an additional tax for county purposes, approved January thirtieth, eighteen hundred and sixty-six.

[Approved March 28, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is amended so as to read as follows:

Levy of tax. Section 1. The Board of Supervisors of Sutter County are hereby authorized to levy, at their discretion, and cause to be collected, for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven, a tax of twenty-five cents on each one hundred dollars of taxable property of said county, for general purposes, in addition to the tax now authorized by law to be levied and collected in said county; *provided*, that no more shall be levied and collected than sufficient to pay off the county indebtedness in two years, including the amount of delinquent taxes that may be collected in the meantime.

SEC. 2. This Act to take effect from and after its passage.

CHAP. CCCLIV.—An Act granting to the Black Diamond Coal Mining Company the right to build a wharf on the San Joaquin River.

[Approved March 28, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise. **SECTION 1.** The Black Diamond Coal Mining Company, a corporation formed under the laws of California, and having its principal place of business at San Francisco, or its assigns, is hereby authorized to build and maintain a wharf at such point as said company or its assigns may select on the southerly bank of the San Joaquin River, at or near a place called "New York on the Pacific," in the County of Contra Costa; *provided*, that nothing is done to obstruct the navigation of the San Joaquin River.

Right to make location.

SEC. 2. There is hereby granted to the said Black Diamond Coal Mining Company and its assigns, for the purposes of this Act, the right, at the point selected by said company or its assigns, to occupy any lands belonging to this State from the main shore to deep water, for a distance extending along the shore of three hundred feet; *provided*, that within six months from the passage of this Act the location selected by said company or its assigns shall be surveyed, and a notice of selection, with a plat and field notes of the survey, shall be filed in the office of the Recorder of Contra Costa County.

SEC. 3. The Black Diamond Coal Mining Company and its wharves assigns shall have the right to collect tolls and wharfage at such wharf, subject to such regulations of the maximum rates thereof as may be prescribed by the Board of Supervisors of Contra Costa County.

SEC. 4. The franchise herein granted shall continue for the term of twenty years; and the same shall be forfeited in case the construction of said wharf shall not be commenced within one year and completed within two years after the passage of this Act.

SEC. 5. This Act shall take effect immediately.

CHAP. CCCLV.—*An Act granting leave of absence to James C. Goods, District Attorney of the County of Sacramento.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. James C. Goods, District Attorney of the County of Sacramento, is hereby granted leave of absence from the State for a period not exceeding four months, at such time as he may select, during his present term of office; provided, however, that he and his bondsmen shall be liable on his official bonds for any misfeasance or malfeasance in office committed during his absence by his deputy or deputies.

SEC. 2. This Act shall take effect upon its passage.

CHAP. CCCLVI.—*An Act granting certain powers to the McFarlane Pass Wagon Road Company.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The McFarlane Pass Wagon Road Company, a corporation formed under the provisions of an Act entitled an Act to grant the right to construct a wagon road in Tulare County, approved April twenty-seventh, eighteen hundred and sixty-three, are hereby authorized to make and execute a voluntary deed of assignment of the whole or any part of their franchise to the County of Tulare on such terms and for such time as may be agreed upon between said company and the Board of Supervisors of said county, to secure the payment of the sum of twenty-five thousand dollars, the amount loaned said company in bonds, issued by authority of and under the provisions of an Act entitled an Act to authorize the County Auditor of Tulare County

Right to
make deed of
assignment.

to issue bonds to aid in the construction of a wagon road, approved April twenty-seventh, eighteen hundred and sixty-three.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCLVII.—*An Act to prevent the trespassing of sheep upon private lands in the County of Butte.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Liability for damages. SECTION 1. Any keeper or keepers of sheep in the County of Butte, who shall allow his sheep to run at large without herding, shall be liable to the payment of damages to any person or persons sustaining any injury by the trespass of such sheep upon any private lands in said county; such damages may be recovered by a civil action in any of the Courts of said county having jurisdiction in the premises; provided, that when the keeper or keepers of such sheep are known to the person or persons injured by such sheep, the persons so injured shall notify the keeper or keepers of such sheep of the trespass complained of, and shall give a reasonable time to said keeper or keepers of sheep to remove the same before any action for damages shall be maintained.

SEC. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed, so far as they conflict with this Act.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCLVIII.—*An Act amendatory of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, A. D. eighteen hundred and fifty-six, and as amended by an Act amendatory thereof, approved the eighteenth day of May, A. D. eighteen hundred and sixty-one.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seventy-one of the said Act is hereby amended to read as follows:

Levy of tax. First—On or before the first Monday of May, annually, the Board of Supervisors of said city and county shall levy the amount of taxes for State, city, and county purposes required by law to be levied upon all property not exempt from taxation, said amount to be such as the said Board may deem sufficient to

provide for the payment of all demands upon the Treasury thereof, authorized by law to be paid out of the same; *provided*, that such taxation, exclusive of the State tax and any and all special taxes now or which hereafter may be authorized by law, shall not in the aggregate exceed the rate now allowed by said Act of which this is amendatory, to wit: two dollars and thirty-five cents upon each one hundred dollars valuation of the property to be assessed; *provided*, further, that the said Board of Supervisors shall, in making the said levy of said taxes, apportion and divide the taxes so levied and to be collected and applied to the several specific funds known as the Corporation Debt Fund, General Fund, School Fund, Street Light Fund, and Street Department Fund, according to the estimate of said Board of the necessities of the said funds, except that the rate for the School Fund shall not exceed thirty-five cents on each one hundred dollars valuation of property; and, *provided*, further, that the said Board shall authorize the disbursement of said money for the purposes hereinafter mentioned; and at the close of each fiscal year the said Board shall direct the Treasurer to transfer all surplus moneys of all funds, excepting the School Fund, after liquidating or providing for all outstanding demands upon said funds, to the General Fund; but no money shall be transferred from either of the said funds to another, nor used in paying any demands upon such other fund, until all the indebtedness arising in any fiscal year and payable out of said fund so raised for said fiscal year shall have been paid and discharged.

*Transfer
of funds.*

Second—The Corporation Debt Fund shall be applied to and used for the payment of demands authorized under the fourth, fifth, sixth, eighth, and tenth subdivisions of section ninety-five of the Act of which this is amendatory and the several other Acts amendatory thereof, and of section seven of an Act entitled an Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco and against the County of San Francisco, as they existed prior to the first day of July, A. D. eighteen hundred and fifty-eight.

Third—The General Fund shall be applied and used for the payment of all sums authorized by law to be paid out of the General Fund, and not otherwise provided for in this Act.

Fourth—The School Fund shall be applied and used for the payment of all sums authorized by law to be paid out of the School Fund.

Fifth—The Street Light Fund shall be applied and used in payment for lighting the streets of the city, and for the repair of lamps and posts in pursuance of any existing or future contract of the said city or county.

Sixth—The Street Department Fund shall be applied and used for repairing, improving all streets, lanes, and the crossings thereof, which shall have been accepted by the said Board of Supervisors; for cleaning streets, lanes, crossings, and sewers; for all street work in front of or assessable upon property belonging to the said city and county, except school lots already payable out of School Fund; for all street work on the water front of said city and county not by law assessable upon private property; for all work authorized by the said Board upon the recommendation of the Superintendent of Streets and Highways as

*Street De-
partment
Fund.*

immediately essential for the safety of life, limb, or property, or necessary for public health, or which cannot be by law assessed upon private property, and for such other objects relating to streets and highways as shall be directed by law to be paid therefrom. All moneys received from licenses on vehicles, from the income from street railroads, from fines and penalties for violation of any law or ordinance regulating vehicles, or the public streets, shall be paid into the Street Department Fund.

SEC. 2. All Acts or parts of Acts in conflict herewith are hereby repealed, and this Act shall take effect immediately.

CHAP. CCCLIX.—*An Act to protect the elections of voluntary political associations, and to punish frauds thereon.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Notice.

SECTION 1. All elections hereafter to be holden by any voluntary political association or party in this State, for any delegates or managing committee, or for the nomination of candidates for public office, may be called or ordered by published notice, which shall state the purpose, time, manner, conditions, together with the place or places of holding such elections; also the authority by which the call or notice is published, and the person shall be named therein who is to supervise or preside at each poll where such election is to be holden; and the said person shall be a legal voter of the township, precinct, ward, or election district for which he is named. Said notice shall likewise declare the qualifications of the persons to vote at such elections; *provided*, that such prescribed qualifications shall not be inconsistent with those expressed in this Act.

Same.

SEC. 2. The notice required by section one of this Act shall be published in some newspaper or newspapers printed in the district, ward, precinct, township, city, or county, for which the election is called, and shall be posted in at least three public places in the polling precincts of such election at least five days prior thereto; *providing*, if there be no newspaper published in the district or county, then the newspaper publication may be omitted.

**Judge of
Election, and
assistants.**

SEC. 3. The person named as Supervisor in the notice required by section one of this Act, or any person, in his absence or refusal to serve, assuming or chosen to be such Supervisor of the election aforesaid, shall first be sworn by some officer authorized to administer oaths, or by some resident freeholder and legally qualified voter of the precinct, ward, or district, in presence of at least two witnesses of like qualifications, that he is a legal voter of the precinct, ward, or district, in which such election is to be held, and that he will correctly and faithfully conduct such election, protect it against all fraud and unfairness, carefully and truly canvass and report all votes cast thereat in such man-

ner as may be required by the authority appointing the election, and he shall appoint such assistants as shall be necessary to receive and take account of the votes cast; *provided*, that such assistants shall be reputable citizens and legally qualified electors of the township, precinct, ward, or district, as the case may be. And any violation of the provisions of this section shall be deemed a misdemeanor, and shall, on conviction, subject the offender to punishment by fine, not less than fifty nor more than five hundred dollars, or by imprisonment in the County Jail not more than six months, or by both such fine and imprisonment.

SEC. 4. It shall be the duty of the Supervisor of such election to entertain objections made by any qualified elector under said published call or notice to any vote that may be offered, on the ground that the person offering it is not entitled to vote under the terms of the said call for the said election, or that he is not a citizen of the United States, a legal resident and voter of the election precinct, ward, township, or district, or that he has voted before at that place or some other on that day in the same election; and it shall be the duty of such Supervisor, if such objection be not withdrawn, to administer to the person so offering to vote an oath or affirmation to the general effect that he will truly testify as to all matters relating to his said qualifications under said published call, his residence, citizenship of the United States, and whether he has voted at that or other place on that day at such election. It shall then be the duty of the Supervisor to interrogate the person so objected to as to all the matters in particular upon which such objection was made, and generally as to all of said qualifications. If the person so objected to shall refuse to answer such questions after said oath shall have been administered, it shall be the duty of the Supervisor to reject such vote. But if such oath be taken and such questions be answered satisfactorily, it shall be the duty of the Supervisor to admit the vote sworn to be qualified according to the terms of the call and the provisions of this Act. And any violation of the provisions of this section by the Supervisor shall be deemed a misdemeanor, and shall, on conviction, subject him to punishment as prescribed in section three of this Act. And any person who shall, upon taking such oath and under the examination herein authorized, wilfully make a false statement to a matter pertinent and material in such examination, shall be deemed guilty of the crime of perjury, and, on conviction, be punished as prescribed by law.

SEC. 5. Any person who is not a citizen of the United States and qualified to vote in the county wherein the election is held at the next coming State, county, or municipal election, who shall vote at an election held under the provisions of this Act after objections made as specified in section four, or any person who shall vote more than once at the same or different precincts or polls on the same day and in the same election, whether such objection be made or not, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished as provided in section three of this Act.

SEC. 6. Any voluntary political association or party that shall elect to invoke the protection and subject itself to the provisions of this Act, shall at the time of the publication of notice

*Challenges
and objec-
tions.*

Penalties.

*Illegal
voting.*

*How elec-
tions may be
protected by
this law.*

provided for in section one, declare that such election therein called will be held in pursuance of and subject to the provisions of this Act, under the title of the Primary Election Law; and in the event such notice last aforesaid shall be published, and not otherwise, the provisions of this Act shall be applicable and in force in respect to such election.

SEC. 7. This Act shall take effect and be in force from and after its passage, and no expense shall be incurred to the county or State in the conduct of elections under its provisions.

CHAP. CCCLX.—*An Act to authorize the Superintendent of Public Schools of the County of Trinity to pay the claim of A. D. Bayles.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority to draw warrant. SECTION 1. The Superintendent of Public Schools of the County of Trinity is hereby authorized and required to draw his warrant in favor of A. D. Bayles, of said county, for one hundred and forty-six dollars, payable out of any school funds set apart for or belonging to the Hay Fork School District, in the County of Trinity, such amount having been advanced by said A. D. Bayles in the years eighteen hundred and sixty-four and eighteen hundred and sixty-five for the payment of claims against the School Fund of said district.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXI.—*An Act to protect agriculture, and to prevent the trespassing of animals upon private property.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Taking up animals, and pay for keeping. SECTION 1. Any owner or occupant of any land or possessory claim, finding any horse, mare, mule, jack, jenny, or horned cattle, or any number of such animals, upon such land or possessory claim, having done and doing damage, whether the said claim be inclosed by a lawful fence or not, may take up and safely keep such animal or animals at the expense of the owner for ten days, and shall be allowed for keeping said animal or animals the following named sums: For each horse, mare, mule, jack, and jenny, the sum of thirty cents per day; and for each head of horned cattle, the sum of twenty cents per day.

SEC. 2. When the owner or owners of such animal or animals are known, or when the owner can be ascertained by a search

of the records of marks and brands in the office of the Justice ^{Notice} of the Peace of the township; and it is hereby made the duty ^{to owners.} of the Justice of the Peace of each township to procure from the County Recorder's office of the county a true and correct list of the marks and brands in said office; and any party taking up branded or marked stock, shall cause such records in said Justice's office to be searched to ascertain such ownership; and if the owner or owners reside in or near the township they shall be forthwith personally notified; but if at a great distance from said place of taking up, the notice of such detention, and the reason therefor, shall be served by depositing the same, postage paid, in the nearest Post Office, directed to the owner or owners at the Post Office nearest to his or their residence. When the owner or owners are not known, written notices containing a description of the animals, their marks and brands, and stating the cause of detention, shall immediately be posted conspicuously in three of the most conspicuous public places in the township, and a copy delivered to the Justice of the Peace of said township.

SEC. 3. At the expiration of ten days, if the animal or ^{Damages.} animals have not been applied for, and sooner if they have, and the parties cannot agree on the amount of damages and compensation by three disinterested persons, selected by the parties aforesaid as arbitrators, are selected, the taker up, when the damages and compensation claimed shall be less than three hundred dollars, shall file a written complaint, verified by his oath, with a Justice of the Peace of the township, setting forth the facts, location, and nature of the alleged damages, and stating the amount he claims against said animal or animals, and that he has actually sustained the damages claimed.

SEC. 4. When the owner is known and is within the jurisdiction of the Court, the action shall be against the owner, and the summons shall be served and returned as in other actions. When the owner is not known the action shall be against the property *in rem*; and any action thus commenced shall include all the animals thus found doing damage, whether of one or more marks or brands; and no judgment shall be entered up under the provisions of this Act by default or otherwise, as to the damage done, except upon the testimony of two creditable witnesses, whose names shall be entered in the Justice's docket. When the action is against the property, the summons shall be served by posting a copy of the same conspicuously on the outside of the door of the Justice's office, and in three other public places in the township, and shall be returnable in not less than ten days from such posting, the return of the officer certifying such posting, or of any person qualified to be a juror, who did it, justifying to the same, shall be evidence of a sufficient service thereof. If judgment be in favor of the plaintiff, the property ^{Judgment} may be levied upon and sold as other personal property seized ^{and sale.} on execution. If the judgment be for the defendant, the plaintiff shall pay such cost and damage as may be awarded by the Court or jury. The officer selling shall give a bill of sale to the purchaser, describing the animal or animals sold, the price paid

Fee for certified copy. therefor, and stating that it or they were sold by authority of this Act. Any overplus of the proceeds of such sale, after satisfying the judgment, shall be paid by the Justice to the owner of the property, upon demand, if demanded within three months from the date of sale; otherwise it shall at the expiration of that time be immediately paid into the County Treasury for the benefit of the County School Fund; *provided*, that the Justice may retain so much of said amount as to remunerate him for procuring a certified copy of marks and brands from the County Recorder's office, not to exceed in the aggregate twenty dollars for any one year.

How owner may regain animals.

SEC. 5. Any owner or owners of any animal or animals seized under the provisions of this Act, may at any time previous to the sale demand and shall be entitled to the possession of such animal or animals, or of so many as he may claim, upon his making satisfactory proof of ownership and paying his proportion of the fees, charges, and damages; and after the sale, may at any time within three months redeem said animal or animals by producing satisfactory proof of his right thereto, and paying the purchaser the amount of the purchase money with interest at the rate of one per cent per month.

Justice's sales book.

SEC. 6. The Justice shall keep a book, which shall be open to public inspection, and shall make a record therein of all sales made by his order under this Act, a description of the animal sold, the price paid, the name of the purchaser, amount of fees and charges, and the amount of surplus money, if any, arising from each sale; and if such surplus money shall be received by the owner of any animal, he shall receipt for it on the margin opposite such record; and the Justice shall, without fee, give this book over to his successor in office, and also any surplus money in his hands arising from any sale made by authority of this Act, and the receipt of his successor shall be a legal discharge of the retiring Justice for all such sums paid.

Fees.

SEC. 7. The fees of Justices and Constables for services under this Act shall be the same as allowed by the general fee bill for similar services in other civil actions in their respective counties.

Exception.

SEC. 8. Nothing in this Act shall be so construed as to prohibit persons from driving stock through uncultivated lands not fenced, and who may be required to pass from one county to another, from watering said stock at natural watering places on said lands.

Driving stock.

SEC. 9. Any person who shall drive stock from lands other than his own on to any lands or possessory claim, for the purpose of taking advantage of any provisions of this Act, shall be guilty of a misdemeanor, and shall upon conviction thereof be punished accordingly.

Repeal.

SEC. 10. The Act entitled an Act for the better protection of the agricultural interests in certain counties in this State, and the more effectual prevention of the trespassing of animals upon private property, approved March the fifteenth, eighteen hundred and sixty-four, is hereby repealed.

Act applied only to certain counties.

SEC. 11. This Act shall apply only to the Counties of Marin, Yolo, and so much of Sacramento County as lies west and south of the Sacramento and Jackson Road, the Third Supervisor Dis-

trict in the County of Solano, and the First Supervisor District in the County of Mono.

SEC. 12. This Act shall be in force from and after the first day of May, A. D. eighteen hundred and sixty-six.

CHAP. CCCLXII.—An Act to repeal an Act entitled an Act supplementary to an Act entitled an Act for the better protection of the agricultural interests in certain counties, and for the more effectual prevention of the trespassing of animals upon private property, passed March eleventh, eighteen hundred and sixty-four, approved April fourth, eighteen hundred and sixty-four.

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Act supplementary to an Act entitled an Act Repeal. for the better protection of the agricultural interests in certain counties, and for the more effectual prevention of the trespassing of animals upon private property, passed March eleventh, eighteen hundred and sixty-four, approved April fourth, eighteen hundred and sixty-four, is hereby repealed.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCLXIII.—An Act to abolish the office of Tax Collector in the County of Tehama, and provide for the collection of taxes therein.

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The office of Tax Collector in the County of Tehama, as now established by law, is hereby abolished.

SEC. 2. The Sheriff of said county of Tehama shall be ex officio Collector of all foreign miners' license tax, and all other license taxes in said County of Tehama, and all laws now in force conferring authority and power upon and defining the duties and liabilities of Tax Collectors in the collection of such license tax shall be applicable to the Sheriff of said county as ex officio Collector of said license tax. The Sheriff of said county shall give such additional bond for the faithful performance of his duties as such Collector as the Board of Supervisors of said county may direct, and shall be allowed the same compensation as is allowed by law to Tax Collectors for like services.

SEC. 3. It shall be the duty of the Assessor of the County of Tehama to collect all poll or per capita tax in said county, except road poll tax; and at the time of assessing the property

of said county it shall be the duty of said Assessor, upon the entry of any assessment of any movable property to any person, firm, corporation, association, or company who does not own real estate sufficient to insure the payment of the taxes on such property, to demand the payment of the taxes on the same; and if such person, firm, corporation, association, or company shall refuse or neglect to pay such taxes, the Assessor shall proceed to collect such taxes in the manner prescribed by law; and all laws in force confirming authority and power upon, and defining the liabilities and duties of Tax Collectors in the collection of the taxes in this section provided for, shall be applicable to the Assessor of said county in the collection of said taxes.

Bond, and percentage. SEC. 4. To insure the faithful performance of the duties required by the preceding section of this Act, the said Assessor shall give such additional bond as the Board of Supervisors of said county may require, and for his services in the performance of such duties shall receive the same percentage and compensation for the collection of State taxes as is allowed Tax Collectors for like services; but for the collection of county taxes he shall receive no other compensation than his per diem as Assessor; *provided*, that in case of levy and sale of movable property, said Assessor shall be entitled to the same fees and compensation for such levy and sale as is allowed Collectors in like cases, to be collected in addition to the taxes on such property.

Taxes to be paid to Treasurer. SEC. 5. All taxes and moneys which under the laws of this State the Tax Collector of Tehama County is now authorized to collect and receive, and all moneys due to or destined by law to be collected and handed over to the County Treasurer of said County of Tehama, except the license and tax the collection of which has been provided for in this Act, shall be paid directly to the Treasurer of said county. It shall not be the duty of said Treasurer to make demand of such taxes, but it shall be the duty of the taxpayers to pay the same to the Treasurer at his office at the county seat of said county; and for the collection of State taxes the Treasurer shall receive the same percentage and compensation as is allowed by law to Collectors; but for the collection of county taxes he shall receive no other compensation than his percentage and compensation as Treasurer.

Compensation. SEC. 6. On the second Monday in December in each year said Treasurer shall, at the close of his official business for that day, proceed to perform the duties prescribed for the collection in section thirty-four of the general revenue laws of this State, including the delinquent tax list, which list shall be completed by the third Monday in December; and to enable the Treasurer to make out said list, no taxes shall be received by him on the duplicate assessment roll after making the entry on said roll as provided for by law; and on the third Monday in December in each year the Treasurer shall attend at the office of the County Auditor with his duplicate assessment roll, and then and there the Treasurer and Auditor shall make such settlement in the same manner as is now required by law of the Collector and Auditor.

Settlement with Auditor. SEC. 7. The Auditor shall, within three days after receiving each delinquent list, deliver the same, duly certified by him, to

the District Attorney of said County of Tehama, and the said District Attorney shall immediately proceed to the collection of such delinquent taxes as is provided by law for the collection of delinquent taxes. Delinquent list to be given to District Attorney.

Sec. 8. The Auditor of said County of Tehama shall, at least twenty days prior to the time for the delivery of such delinquent list to the District Attorney as provided for in this Act, cause to be published in some newspaper published at the county seat of said county, a notice that a list of the names of the persons whose taxes have not been paid by the second Monday in December will be returned to the District Attorney, with the amount of taxes due from each person, with an additional five per cent, and that the District Attorney will commence actions for the same with costs; *provided*, that if there be no newspaper published at said county seat, the Auditor shall publish said notice by posting or causing to be posted a copy of such notice in a public place in each of the townships in said county. Publication. Posting.

Sec. 9. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

Sec. 10. This Act to take effect and be in force from and after the first Monday in March, eighteen hundred and sixty-eight.

CHAP. CCCLXIV.—*An Act to authorize Charles C. Butler, Junior, G. Foster, their associates and assigns, to construct a wire suspension bridge from the main land to Seal Rock, in the City and County of San Francisco.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Charles C. Butler, Junior, G. Foster, their associates and assigns, are hereby authorized and empowered to construct a wire suspension bridge and maintain the same from the main land or bluff on the ocean shore, on which the public house known as the Cliff House stands, to a rock in the ocean about four hundred (400) feet from shore, known as Seal Rock. Franchise.

Sec. 2. For the purpose of said bridge said parties are hereby granted the privilege of the use of said Seal Rock for the purpose of making fastenings for the wire, or seats for pleasure parties; *provided*, that the construction of said bridge shall not obstruct the navigation of the ocean. Privileges.

Sec. 3. The said parties shall commence the construction of the said bridge within six months, and complete the same within one year from the passage of this Act. Completion.

Sec. 4. The Board of Supervisors of the City and County of San Francisco shall have power to fix the rates of toll to be collected on said bridge; *provided*, that a less sum than twelve and one half cents shall not be charged for walking over said bridge each way; and said party may charge and collect such toll as shall be fixed by said Board; *provided*, that said franchise shall not extend for a longer time than twenty-five years. Tolls, and term of franchise.

SEC. 5. If said bridge shall not be commenced within six months and finished within one year from the passage of this Act, all the rights herein granted shall become forfeited.

CHAP. CCCLXV.—*An Act amendatory of and supplementary to an Act entitled an Act to authorize the issue of bonds by the County of Santa Clara to erect county buildings, and confirm the purchase of the site selected therefor, approved March first, eighteen hundred and sixty-six.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

[Section 1.] The Board of Supervisors of the County of Santa Clara are hereby authorized and empowered to issue on behalf of said county, bonds, not exceeding in the aggregate the sum of one hundred and thirty thousand dollars, for the purpose of erecting a County Court House and Jail for said county, such bonds to bear interest at a rate not exceeding twelve per cent per annum, and of the denomination of five hundred dollars each, with coupons for interest attached, and shall be made payable on or before the first day of January, A. D. eighteen hundred and eighty-one, at the office of the Treasurer of said county. And the interest thereon shall be payable by said Treasurer semi-annually at his said office on the first day of July and January of each year, on the presentation of the respective coupons therefor. Every bond so issued shall be signed by the President of the Board of Supervisors and by the County Clerk of said county, and shall be authenticated by the seal of said county, and shall purport that said county owes to the holder thereof the sum of five hundred dollars in gold coin, payable and bearing interest as aforesaid; and the principal and interest of said bonds shall be payable in gold coin of the United States.

SEC. 2. Section two of said Act is hereby amended so as to read as follows:

[Section 2.] The Board of Supervisors of the County of Santa Clara are hereby authorized and empowered to levy annually, at the time and in the manner provided by the general revenue laws of the State, for general county purposes, a tax not exceeding one hundred cents on each one hundred dollars of the assessed valuation of the property in said county; and the County Treasurer of said county is hereby required to set apart out of said General Fund so raised as aforesaid, each and every year until all of said bonds shall be fully paid, an amount of money sufficient to pay the interest which shall accrue thereon; and he shall set apart from said fund a sufficient sum of money so as to pay, on the first day of January A. D. eighteen hundred and sixty-eight, and on the first day of January of each and every year there-

after, until all of said bonds shall be paid, the sum of ten thousand dollars, to be applied to the redemption of said bonds. And the moneys so set apart shall be designated as the "County Building Fund," and shall not be used for any purpose other than that above mentioned; *provided*, however, that the aggregate amount of tax levied by said Board of Supervisors for general county purposes shall not exceed in any one year the amount by this Act authorized to be levied.

SEC. 3. Section six of said Act is hereby amended so as to read as follows:

[Section 6.] The said County Treasurer shall give public notice, by advertisement in some newspaper printed and published in said County of Santa Clara, for at least two weeks before the first day of January, A. D. eighteen hundred and sixty-eight, and each and every year thereafter, until all of said bonds shall be paid, that he will redeem ten thousand dollars of said bonds on the first day of January next ensuing, and shall invite proposals for the redemption of said amount of bonds. The Treasurer shall open the sealed proposals at the time and place specified in the notice required to be published as aforesaid, in the presence of the President of the Board of Supervisors, County Clerk, or Auditor, and such other persons as may choose to be present, and shall accept only such bids as shall cancel the greatest amount of said bonds; *provided*, that no bonds shall be redeemed at a greater rate than one hundred cents on the dollar; and in the event that no offer shall be made to redeem said bonds between the date of the first publication of said notice and the day appointed for opening proposals therefor, it shall be the duty of said Treasurer to give at least ten days notice, by advertisement in some newspaper printed in said county, that he is prepared to redeem certain of said bonds, which he shall designate in said notice by the number of the bonds and the dates of their issuance, which said designation shall be of the bonds bearing the lowest numbers then remaining unredeemed; and the interest shall cease on such bonds so advertised from and after the expiration of the ten days from the first publication of said notice; and all bonds, when paid by the said Treasurer, shall be marked by him "cancelled."

SEC. 4. This Act shall take effect and be in force from and after its passage and approval.

CHAP. CCCLXVI.—*An Act establishing a Board of Education for the City of Stockton, and defining the powers and duties thereof.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Education of the City of Stockton shall consist of one Superintendent, who shall be ex officio President of the Board, and six Trustees, two from each ward in the city, who shall be elected by the Common Council of said city

Board of
Education.

on the first Monday of September in each year, and shall hold their offices for one year, and until their successors are elected; provided, that L. M. Hickman as Superintendent, and S. Hewell, H. S. Sargent, H. F. Dorrance, and C. Grunsky, as Trustees, shall constitute the Board of Education of said city until the first annual election in September, eighteen hundred and sixty-six, and shall exercise and are hereby authorized and enjoined to exercise all the powers and duties hereinafter provided, as appertaining to the Board of Education created by this Act.

Powers and duties.

SEC. 2. The Board of Education shall have full power:

First—To establish and maintain public schools, and fix and alter the boundaries of the districts thereof.

Second—To employ and dismiss teachers, janitors, and other necessary help, and to fix, alter, allow, and order paid, their salaries or compensations, and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duties of the Board, and to withhold for good and sufficient cause the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Third—To make, establish, and enforce all necessary and proper rules and regulations not contrary to law for the government and progress of public schools within the said city, the pupils therein, and the teachers thereof, and for carrying into effect the laws relating to education; also to establish and regulate the grade of schools, and determine what course of study and mode of instruction shall be used in said schools.

Fourth—To provide for the school department of said city, fuel, lights, water, blanks, blank books, charts, printing, stationery, and such other articles, materials, or supplies, as may be necessary or appropriate.

Fifth—To build, alter, repair, rent, and provide school houses, and furnish them with proper school furniture, apparatus, and school appliances, and to insure any and all school property.

Sixth—To receive, purchase, lease, and hold in fee, in trust for the City of Stockton, any and all real estate; and to hold in trust any personal property that may have been acquired or may hereafter be acquired for the use and benefit of the public schools of said city.

Seventh—To grade, fence, and improve school lots, and in front thereof to grade, sewer, plank or pave, and repair streets, and to construct and repair sidewalks.

Eighth—To sue for any and all lots, lands, and property belonging to or claimed by the said school department, and to prosecute and defend all actions at law or in equity necessary to recover and maintain the full enjoyment and possession of said lots, lands, and property, and to employ and pay counsel in such cases.

Ninth—To determine annually the amount of taxation, not exceeding thirty-five cents on each one hundred dollars valuation upon the assessment roll, to be raised by tax upon the real and personal property within the said city not exempt from taxation for the establishment and support of free public schools therein, and for carrying into effect all the provisions of law regarding public schools, and the amount so determined by the said Board of Education shall be reported in writing to the

Common Council of said city on or before the first Monday of March of each year; and the said Common Council are hereby authorized and required to levy and cause to be collected at the time and in the manner of levying State and other city taxes, the amount of taxation so determined and reported to them by the said Board of Education as a school tax upon all taxable property of said city; and said tax shall be in addition to all other amounts levied for State, county, and city purposes.

Tenth—To establish regulations for the just and equal disbursement of all moneys belonging to the Public School Fund.

Eleventh—To examine and allow, in whole or in part, every demand payable out of the School Fund, or to reject any such demand for good cause, of which the Board shall be sole judge.

Twelfth—To discharge all legal encumbrances now existing or which may hereafter exist upon any school property.

Thirteenth—To prohibit any child under six years of age from attending the public schools.

Fourteenth—And generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said Board.

SEC. 3. The President of the Board of Education shall have power to administer oaths and affirmations concerning any demand upon the Treasury payable out of the School Fund, or other matters relating to his official duties. To administer oath.

SEC. 4. No teacher shall be employed in any of the public schools without having a certificate issued under the provisions of this Act. For the purpose of granting the certificates required, the Board of Education, either as a body, or by committee, or by the Superintendent, shall hold examinations of teachers. No certificate shall be issued except to a person who shall have passed a satisfactory examination in such branches as the Board may require, and shall have given evidence of good moral character, ability, and fitness to teach. Teachers' certificate.

SEC. 5. The Board may in its discretion renew without same re-examination the certificate of any person so employed. It shall have power to revoke the certificate of any teacher upon evidence of immoral or unprofessional conduct, or incompetency; and shall always have the power to dismiss any or all teachers, and to alter the amount of salary or compensation paid to either or any of them.

SEC. 6. The Superintendent shall report to the Common Council annually on or before the first Monday of September, and at such other times as they may require, all matters pertaining to the expenditures, income, and condition and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper. Superintendent's report.

SEC. 7. It shall be the duty of the Board of Education to visit, etc., visit and examine each school at least once each and every month; to observe and cause to be observed such general rules for the regulation, government, and instruction of the schools, not inconsistent with the laws of the State, as may be established by the Board. Visits, rules, etc.

SEC. 8. Any vacancy in the Board of Education shall be filled by appointment by the Superintendent, with the consent

of a majority of the members then in office; and such appointees shall hold office respectively until the first Monday in September next ensuing, and the election of their successors. Should there be a vacancy in the office of Superintendent, it shall be filled by election by a majority of the Board then in office.

School Fund. SEC. 9. The School Fund of the City of Stockton shall consist of all moneys received from the State and County School Fund; of all moneys arising from taxes which shall be levied annually by the Common Council of said city for school purposes; of all moneys arising from the sale, rent, or exchange of any school property; and of such other moneys as may from any source whatever be paid into said School Fund, which fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this Act. No fees or commissions shall be allowed or paid for assessing, collecting, keeping, or disbursing any school moneys; and if at the end of any fiscal year any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of the next fiscal year, and shall not be, for any purposes whatever, diverted or withdrawn from said fund, except under the provisions of this Act.

Use of School Fund. SEC. 10. The said School Fund shall be used and applied by said Board of Education for the following purposes, to wit:

First—For the payment of the salaries or wages of teachers, janitors, and other persons who may be employed by the said Board.

Second—For the erection, alteration, repair, rent, and furnishing of school houses.

Third—For the purchase money or rent of any real or personal property purchased or leased by said Board.

Fourth—For the insurance of all school property.

Fifth—For the discharge of all legal encumbrances now existing or which may hereafter exist on any school property.

Sixth—For supplying the schools with fuel, water, apparatus, blanks, blank books, charts, and necessary school appliances, together with books for indigent children.

Seventh—For supplying books, printing, and stationery for the use of the Board of Education, and for the incidental expenses of the Board and Department.

Eighth—For grading, fencing, and improving school lots; and for grading, sewer ing, planking or paving, and repairing streets, and constructing and repairing sidewalks in front thereof.

Approval of claims. SEC. 11. All claims payable out of the School Fund shall be filed with the Secretary of the Board, and shall be approved by a majority of all the members of the Board before going to the City Treasurer. Every demand shall have indorsed upon it a certificate of its approval. All demands for teachers' salaries shall be payable monthly.

Payment. SEC. 12. All demands authorized by this Act shall be paid by the City Treasurer from the School Fund when the same shall be presented to him so ordered paid and approved by the Board; provided, that the said Board shall not have power to contract any debt or liability in any form whatsoever against the said city in contravention of this Act.

No debt.

SEC. 13. This Act shall take effect and be in force from and after its passage; and all laws and parts of laws, so far as they are inconsistent with or a repetition of the provisions of this Act, are hereby repealed.

CHAP. CCCLXVII.—*An Act granting leave of absence to H. W. Harkness, one of the Trustees of the State Library.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. H. W. Harkness, one of the Trustees of the State Library, is hereby granted permission to be absent during his present term of office from the State of California for the period of eight months.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCLXVIII.—*An Act to develop the agricultural interests and to aid in the construction of a canal for the purposes of irrigation and inland trade in the Counties of Colusa, Yolo, and Solano.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor of the State of California, the Surveyor-General, and the Attorney-General are authorized to cause a survey to be made of a route for a canal from some point on the Sacramento River, near the county line of Colusa and Tehama, to some point on the navigable waters of Cache Creek Slough, in the County of Solano. They shall appoint a competent engineer, who shall make a careful and exact survey of the route designated, and return under oath if a practicable one can be found for a canal for the purposes of irrigation, as well as ordinary canal navigation, with maps of the route and plans and specifications of the estimated cost of the work.

SEC. 2. R. J. Walsh, of Colusa, Jerome C. Davis, of Yolo, and Andrew M. Stevenson, of Solano, and their associates, are hereby authorized to form themselves into a body corporate for the construction of said canal, under the provisions of an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals, approved May fourteenth, eighteen hundred and sixty-two. Said corporation shall be known as the Sacramento Irrigation and Navigation Canal Company. The objects of the said canal shall be the irrigation of the lands in said counties, the transportation of agricultural products, and

the security from inundation of the swamp lands in the Sacramento Valley.

Engineer's report. SEC. 3. The report of the engineer, with the plans, specifications, and estimates, shall be submitted to the Governor, Surveyor-General, and Attorney-General, for their approval, and be filed in the office of the Secretary of State. The said engineer shall also furnish a copy of the same to the President of the said company.

Appropriation for survey, etc. SEC. 4. To aid in the survey and construction of said canal, upon the approval by the Governor, Surveyor-General, and Attorney-General, of the maps, plans, and estimates of the engineer, or by a majority of them, of the said maps, plans, and estimates, there shall be paid out of any money in the General Fund not otherwise appropriated, all engineering expenses for the cost of said survey, not to exceed the sum of eight thousand dollars; and the Controller of State is hereby authorized to draw his warrant in favor of said engineer for such sums, upon the approval by the Governor, Surveyor-General, and Attorney-General, or a majority of them, certified to by the President of said company.

SEC. 5. This Act shall be in force from and after its passage.

CHAP. CCCLXIX.—*An Act to authorize Charles P. Duane to sue the City and County of San Francisco.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority to sue. SECTION 1. Charles P. Duane is hereby authorized to sue the City and County of San Francisco, in any of the District Courts of said city and county, upon any and all demands which the said Duane may have against the City and County of San Francisco, or the County of San Francisco, accruing before the consolidation of said city and county, for or arising out of the building cisterns at the corner of Sacramento and Kearny streets, and at the corner of Broadway and Ohio streets, during the years eighteen hundred and fifty-four and eighteen hundred and fifty-five, by John Duane, or that he may be entitled to as the assignee of John Duane for said work; and the statute of limitations shall not be set up in defence to said action, nor shall the statute of limitations operate to prevent the City and County of San Francisco from interposing any defence which at any time might have been interposed in said action.

Statute of limitations not to apply.

Payment of Judgment. SEC. 2. In such action, should the said Charles P. Duane recover final judgment against said city and county upon any demand mentioned in the first section of this Act, the Board of Supervisors of said city and county shall order the same paid out of the General Fund of said city and county; and the Auditor shall audit and the Treasurer shall pay the same.

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXX.—*An Act concerning official publications in the Counties of Fresno, Merced, and Stanislaus.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In the Counties of Fresno, Merced, and Stanislaus, ^{Publication, how made.} all publications of all Courts and Boards of Supervisors now required by law or which may hereafter be required by law to be published, shall be published in some newspaper published in the county in which the Court or Board of Supervisors hold their sessions respectively; but if there be no newspaper published in the respective counties where the order or orders are made, such order or orders shall be published in some newspaper published in an adjoining county; and such publication, when made, shall have the same force and effect as if it were done in the county where the order or orders were originally made.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXXI.—*An Act to amend an Act entitled an Act to create the County of Lassen, to define its boundaries, and provide for its organization, approved April first, eighteen hundred and sixty-four.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section second of said Act is hereby amended so as to read as follows:

Section 2. The boundary of Lassen County shall be as follows: Commencing on the boundary line dividing Sierra and Plumas Counties, at a point on the summit of the ridge which crosses said boundary line, and which divides Long Valley from Sierra Valley; thence following the summit of said ridge (north-westerly) which separates the waters of Feather River from those which flow into the Great Basin and Honey Lake Valley, to a point due south from the Town of Susanville; thence along the summit of the ridge separating the waters which flow into the east branch of the North Fork of Feather River, running through Indian Valley, from those which flow into the North Fork of Feather River, running through the Mountain Meadows, to a point due south from the point where the old and present travelled road from the Big Meadows via Hamilton's Ranch first

crosses the said North Fork of Feather River; thence due north to the southern boundary line of Shasta County; thence west along said boundary line to a point due south of the Black Butte Mountain; thence due north to the southern boundary line of Siskiyou County; thence east along said boundary line to the eastern boundary of the State; thence south along said State line to the southeast corner of Plumas County; thence west along the boundary line of Sierra and Plumas Counties to the place of beginning.

SEC. 2. Section twelve of said Act is hereby amended so as to read as follows:

*Salary of
County
Judge.*

Section 12. The County Judge shall reside and keep his office at the county seat, and shall receive a salary of eight hundred dollars per annum, which shall be paid quarterly as other county charges. He shall hold the Courts required by law to be held by County Judges, the same commencing on the first Monday in February, May, August, and November; *provided*, however, the County Judge may call and hold special terms of Probate Court whenever public necessity may require.

*Terms of
Court.*

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXXII.—*An Act to further extend the time for the completion of the Big Tree and Carson Valley Turnpike Road.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

*Extension
of time.*

SECTION 1. The Big Tree and Carson Valley Turnpike Company is hereby granted until the third day of April, A. D. eighteen hundred and seventy to construct and complete their road from the Big Tree Grove in Calaveras County, to the eastern boundary of California, and all the rights, franchises, and privileges heretofore granted to or acquired by said company, by an Act of the Legislature of this State, approved April third, eighteen hundred and sixty-two, are hereby extended to the third day of April, eighteen hundred and seventy; and all other rights, franchises, and privileges acquired by said company shall not in any manner be impaired or invalidated by reason of this extension.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXXIII.—An Act to authorize E. J. Stephens to construct a “chute” and moorings at Ferguson’s Landing and collect tolls for the use thereof.

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. E. J. Stephens, and such persons as he may associate with him, are hereby authorized to build and construct a “chute” at Ferguson’s Landing, in Mendocino County, for the purpose of shipping timber and lumber at said landing, and lay down and fix such moorings and fastenings as may be deemed necessary for the purposes aforesaid; *provided*, that they shall not in any manner interfere with navigation; and charge and collect toll for the use of said “chute” and moorings for the term of twenty years.

Sec. 2. Said Stephens and his associates shall within twelve months incorporate under the laws of this State, and within two years complete said moorings and “chute,” so that timber can be shipped at that point.

Sec. 3. Said Stephens and his associates shall be authorized to collect such tolls for the use of said “chute” and moorings as shall be fixed by the Board of Supervisors of Mendocino County.

Sec. 4. This Act shall be in force from and after its passage.

CHAP. CCCLXXIV.—An Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and sixty-six, and to provide for the payment of the same.

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of redeeming the bonds of the County of San Joaquin which become due during the year eighteen hundred and sixty-six, the Board of Supervisors of San Joaquin County are hereby authorized and empowered to issue bonds of said county to an amount not exceeding thirty-nine thousand dollars. Said bonds shall be signed by the Chairman of the Board of Supervisors, attested by the Clerk of the Board, and countersigned by the County Treasurer, and shall be made payable at the office of said County Treasurer on the first day of —, eighteen hundred and seventy-six. Such bonds shall be consecutively numbered as issued, and shall bear interest at the rate of ten per cent per annum, interest to be paid semi-annually at the office of said County Treasurer, and each bond shall have coupons attached for said interest, such coupons to be numbered, signed, attested, and countersigned as the bonds.

Surrender of old bonds. SEC. 2. Whenever any of the holders of the bonds of said County of San Joaquin shall surrender to the Board of Supervisors of said county any bond or bonds of said county that may become due during the year eighteen hundred and sixty-six, then the said Board of Supervisors shall issue and deliver to such holder or holders the bonds of said County of San Joaquin, authorized by the first section of this Act, in an amount equal to the sum of money due on the bond or bonds so surrendered; *provided*, that in no event shall the bonds authorized by the first section of this Act be issued for greater amounts than the sums of money due on the bonds surrendered.

Cancellation and record. SEC. 3. The Board of Supervisors shall cancel the bonds surrendered under the provisions of this Act, and shall keep a correct record of the same, giving the number, amount, and date of each, and the sum of money due on each, and from whom received; and also a correct record of all bonds issued and delivered under the provisions of this Act, giving the number, amount, and date of each, and to whom delivered, and when issued.

Levy of tax. SEC. 4. In addition to the taxes now authorized by law to be levied in the County of San Joaquin, the Board of Supervisors of said county are hereby authorized and required to levy, in each and every year, a special tax, to be known as the "Bond Redemption Tax," sufficient for the purpose of paying the yearly interest on the bonds issued under the provisions of this Act, and also one tenth of the principal. The manner of levying and collecting said tax shall be the same as provided by law for the levying and collecting other taxes, State and county. The Treasurer of said county shall keep said tax, when paid to him, separate and apart from all other moneys in the Treasury, and shall designate the same as the "Bond Redemption Fund;" and said fund shall be used for no other purpose than the payment or redemption of the bonds issued under the provisions of this Act and the payment of the accruing interest thereon.

Bond Redemption Fund. SEC. 5. On the first Monday of February, eighteen hundred and sixty-seven, and annually thereafter, it shall be the duty of the Treasurer of the County of San Joaquin, from the money in his hands in the fund mentioned in the last preceding section, to redeem the one tenth of the first principal of the bonds that may be issued under the provisions of this Act, or such an amount of said bonds as the money in his hands in said fund will redeem at the lowest value at which they may be proposed to be liquidated, after advertising for two weeks immediately preceding said first Monday of February by publication in some newspaper in his county for sealed proposals for the redemption of said bonds, at the time and place specified in the publication. The Treasurer shall, in the presence of such persons as choose to be present, open all proposals, and accept the lowest bids for the surrender of said bonds; *provided*, that no bonds shall be redeemed at a greater sum than par value. The bids being equal, the preference shall be given to the smallest amount of bonds; the bids and amount of bonds being equal, each shall be accepted pro rata, or as nearly so as possible. No bid, unless accompanied by the bonds proposed to be surrendered, shall be accepted by the Treasurer.

Redemption

SEC. 6. Whenever the County Treasurer shall pay or cause payment and cancellation of bonds and coupons under the provisions of this Act, he shall indorse on said bond or coupon so paid the date of cancellation of bonds and coupons. redemption, and from whom redeemed, and the amount paid to redeem the same. He shall preserve in his office all bonds and coupons redeemed, and shall keep a record of the same, giving the number, date, and amount of each, and from whom received, and across each of the bonds and coupons so redeemed, he shall write the words "cancelled by me," and sign his name thereto as Treasurer.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXXV.—*An Act concerning goats running at large in the County of Tuolumne.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All goats found trespassing upon the inclosed premises of any person or persons in the County of Tuolumne, the owner or proprietor of such premises may take up and safely keep, at the expense of the owner or owners thereof, all such goats so found trespassing.

Sec. 2. All persons taking up goats trespassing upon their lands, if inclosed, shall immediately thereafter post notices in three public places in the township in which such persons reside, containing a description of the said goats, with all marks and brands, if there be any, so that the owner or owners may identify them as his or their property.

Sec. 3. If the owner or owners of such goats come forward within five days after the time such notices were posted, and prove them to be his or their property, the person taking them up shall deliver them to such owner or owners upon their paying all costs, charges, and damages sustained by reason of their trespassing.

Sec. 4. If, however, the owner or owners do not come forward within the five days, then the person taking up such goats shall immediately notify a Constable of the township wherein the trespass has been committed; and said Constable shall proceed to sell at public auction, to the highest bidder, after giving five days' notice of such sale, by posting notices in three public places in said township, all such goats so taken up; provided, however, that the owner or owners may prove his or their property, and receive the same by paying all costs, charges, and damages at any time before such sale takes place.

Sec. 5. If the parties cannot agree as to the amount of charges and damages, then each party may choose one disinterested person, and they may choose a third person, who shall

determine the amount thereof. Should the owner or owners not come forward, then the Constable shall appoint three disinterested persons to determine the amount.

Fees. SEC. 6. The fees of the Constable for making sales under the provisions of this Act shall be the same as are allowed by law for sale under execution.

Payment of money derived from sale. SEC. 7. If there should be any surplus money arising from such sales, after paying all costs, charges, and damages, the Constable shall pay the same to the owner or owners of such goats sold; *provided*, he or they prove that they are entitled to it within fifteen days after such sale; if not, then he shall pay it to the County Treasurer of his county, taking his receipt therefor in duplicate, one of which receipts he shall retain as his voucher, and file the other with the County Auditor of said county.

Payment into School Fund. SEC. 8. All moneys paid into the County Treasury under the provisions of this Act shall be paid into and become a part of the School Fund of said county.

Penalty for neglect of payment. SEC. 9. Any Constable refusing or neglecting to pay to the owners or County Treasurer the surplus derived from such sale, shall be liable for the same on his official bond, and shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars.

CHAP. CCCLXXVI.—*An Act concerning assessments upon the stock of corporations.*

[Approved March 28, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Assessments SECTION 1. The Trustees of any corporation formed under the general laws of this State shall have power to levy and collect, for the purpose of paying the proper and legal expenses of such corporation, assessments upon the capital stock thereof, in the manner and form and to the extent hereinafter provided, and not otherwise.

Rate, etc. SEC. 2. No one assessment shall exceed five per cent of the stated amount of the capital stock of the corporation named in the articles of incorporation, and none shall be levied while any portion of any previous assessment shall remain unpaid or uncollected, except in cases where all the powers of the corporation shall have been exercised in accordance with the terms of this Act for the purpose of collecting such previous assessment, and except, also, the collection of a previous assessment against one or more stockholders, restrained by injunction or otherwise, in which case further assessment may be levied and collected according to this Act.

How levied. SEC. 3. No assessment shall be levied except by order of the Board of Trustees, concurred in by a majority of said Board, and entered upon the records of the corporation.

SEC. 4. Every order levying an assessment shall specify the amount thereof, and the time when the person or persons to whom, and the place or places where the same is payable. It shall also appoint a day, subsequent to the full term of publication of the assessment notice, on which the stock upon which assessments remain unpaid shall be deemed delinquent, which said day shall not be less than thirty nor more than sixty days from the time of the making of the said order levying the assessment, and a day for the sale of delinquent stock, which shall not be less than fifteen nor more than sixty days from the time appointed for declaring said stock delinquent.

SEC. 5. Upon the making of such an order the Secretary shall cause to be published immediately a notice thereof in the following form:

(Name in full. Location of works.) Notice is hereby given ~~form.~~
that at a meeting of the Trustees of said company, held on the (date) an assessment of (amount) per share was levied upon the capital stock of said company, payable (when, to whom, and where, particularly.) Any stock upon which said assessment shall remain unpaid on the (day fixed) shall be deemed delinquent, and will be duly advertised for sale at public auction, and unless payment shall be made before, will be sold on the (day appointed) to pay the delinquent assessment, together with costs of advertising and expenses of the sale.

(Signature of Secretary, with particular location of office.)

SEC. 6. Said notice shall be published once each week for ~~Publication and service.~~
four successive weeks in some daily or weekly paper published at the place designated in the articles of corporation as the principal place of business of the corporation, and also in some paper published in the county in which the works of the corporation are situated, if a paper be published therein; *provided*, that if the works of the corporation are not situated within some State or Territory of the United States, then publication in a paper of the county shall not be necessary; *provided*, also, that if there is no newspaper published at the place designated as the principal place of business of the corporation, then the publication shall be made in the newspaper published nearest thereto; and, *provided*, also, that the notice specified in the fifth section of this Act may be served by delivering a copy thereof, certified by the Secretary, to each stockholder personally; and in case of such service upon all the stockholders of said corporation, then no notice by publication shall be necessary, and such personal notice shall be deemed complete.

SEC. 7. If any portion of the assessment mentioned in said notice shall remain unpaid on the day specified therein for declaring the stock delinquent, the Secretary shall, unless otherwise ordered by the Board of Trustees, cause to be published in the same papers in which the notice provided for in section five shall have been published, a notice substantially in the following form:

(Name in full. Location of works.) NOTICE.—There is delinquent upon the following described stock on account of assess-

ment levied on the (date) (and assessments levied previous thereto, if any,) the several amounts set opposite the names of the respective shareholders, as follows: (Names, number of certificate, number of shares, amount.) And in accordance with law, (and an order of the Board of Trustees, made on the (date) if any such order shall have been made,) so many shares of each parcel of said stock as may be necessary, will be sold at the (particular place,) on the (date) at (the hour) of said day, to pay said delinquent assessments thereon, together with costs of advertising and expenses of the sale.

(Name of Secretary, with particular location of office.)

Contents of notice.

SEC. 8. Said last named notice shall state every certificate of stock, with the number of shares which it represents, and the amount due thereon, separately, except where certificates may not have been issued to parties entitled thereto, in which case the number of shares and amount due thereon, together with the fact that the certificates for such shares have not been issued, shall be stated.

Publication.

SEC. 9. Said notice, when published in a daily or weekly paper, or in both, shall be published as follows: When published in a daily paper, the same shall be published for a period of ten days, excluding Sundays and holidays, previous to the day of sale. When published in a weekly paper, the same shall be published for two weeks previous to the day of sale. The first publication of all delinquent sales shall be at least fifteen days prior to the day of sale.

Right to sell.

SEC. 10. By the publication of the said notices as hereinbefore provided, the corporation shall acquire jurisdiction to sell and convey a full, complete, perfect, and absolute title to all of the stock described in the notice of sale upon which any portion of the assessment or costs of advertising shall remain unpaid at the hour appointed for the sale, but shall sell no more of such stock than is necessary to pay the assessments due and cost of sale.

Sale, etc.

SEC. 11. On the day and at the place, and as nearly as may be at the hour appointed in the notice of sale, the Secretary, who is hereby fully empowered and authorized, shall, unless otherwise ordered by the Board of Trustees, sell or cause to be sold at public auction, to the highest bidder for cash, so many shares of each parcel of said described stock as may be necessary to pay the assessment and charges thereon according to the terms of said notice of sale; *provided*, that if payment be made before the time fixed for sale, the party paying shall only be required to pay the actual cost of advertising.

Highest bidder.

SEC. 12. The person offering at such sale to pay the assessment and costs for the smallest number of shares or fraction of a share shall be deemed the highest bidder.

In default of bidders corporation may purchase.

SEC. 13. If at the sale of any stock under the foregoing provisions of this Act, no bidder shall offer to take and purchase the same for the amount of the assessments, and costs and charges then due upon the same, then and in such case the same may be purchased and bid in by the company or corporation, through the Secretary, or President, or any Director or Trustee thereof, at a sum equal to the amount of the assessments,

costs, and charges due upon the same; and in pursuance and by virtue of such purchase, the said assessments, costs, and charges shall be credited as satisfied and paid in full on the books of such corporation, and entry of the transfer of such stock to such corporation, in pursuance of such sale and purchase, shall be made on the books of said corporation. While such stock shall remain the property of such corporation, the same shall not be assessable, nor shall any dividends be declared upon the same; but all assessments and dividends shall be apportioned upon and against the other stock of such company not owned by such corporation. All purchases of its own stock made by any corporation in accordance with the provisions of this section shall be held valid and as vesting the legal title to the same in said corporation; and the stock so purchased shall be held subject to the control of the remaining stockholders, who may make such disposition of the same as they may deem fit in accordance with the by-laws of the corporation or vote of a majority of all the remaining shares. Whenever any portion of the capital stock of any corporation is held by the said incorporation by purchase as aforesaid, a majority of the remaining shares of stock in said corporation shall be held to be a majority of the shares of the stock in said corporation company for all purpose of election or voting on any question before a stockholders' meeting.

*Disposition
of stock pur-
chased by
corporation.*

Sec. 14. The times or dates fixed in any notice of assessment or notice of delinquent sale published according to the provisions of this Act, may be once extended for a period of not more than thirty days, by order of the Board of Trustees duly made and entered on the records of the corporation; but no order extending the time for the performance of any act specified in any notice shall be effectual unless notice of such extension or postponement be appended to and published with the notice to which the order relates.

*Extension of
time of de-
linquent sale*

Sec. 15. No assessment duly levied shall be rendered invalid by a failure to make proper publication of the notices hereinbefore provided for, nor by the non-performance of any act required to be performed in order to enforce the payment of the same; but in case of any substantial error or omission in the course of proceedings for collection, all previous proceedings except the levying of the assessment shall be void, and publication shall be begun anew.

*Assessments
shall not be
invalidated.*

Sec. 16. No action shall be sustained to recover any stock or invalidate the sale of any stock for delinquent assessments, upon the ground of any irregularity in making the assessment, or for any irregularity in or defect of the notice of such sale, or for any defect or irregularity in the sale, unless the party seeking to maintain such action shall first pay or tender to the corporation or the party holding such stock so sold the sum for which the same was sold, together with all subsequent assessments which may have been paid thereon, and interest on such sums from the time they were paid; and no such action shall be sustained unless the same shall be commenced by the filing of a complaint and the issuance of a summons thereon within six months after such sale shall have been made.

*Action for
recovery of
stock.*

Sec. 17. An Act concerning assessments upon the stock of corporations, approved April fourth, eighteen hundred and sixty-

Repeal.

four, and all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed; *provided*, that such repeal shall not affect proceedings commenced for the collection of assessments heretofore levied, but all such assessments may be collected in accordance with the provisions of the laws then in force.

Not to apply to assessments levied

SEC. 18. This Act shall take effect immediately.

CHAP. CCCLXXVII.—An Act to provide for the division of Solano County into assessment districts, for the election of District Assessors, and to define their duties, liabilities, and compensation.

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Districts.

SECTION 1. It shall be the duty of the Board of Supervisors of Solano County at their first regular meeting in the year A. D. eighteen hundred and sixty-seven, to divide the county into three districts to be known as Assessment Districts Number One, Two, and Three; and the boundaries of said districts shall conform to the boundaries of the Supervisor Districts Number One, Two, and Three, of said county.

Election, and term of office.

SEC. 2. At the next general election for county officers, and at every general election thereafter, there shall be elected in Solano County an Assessor for each of the districts defined by the Board of Supervisors in compliance with the provisions of section one of this Act, who shall be a qualified elector of the district in which he shall be a candidate, and shall only be voted for and elected by the legal electors of such district. The election for said District Assessors, the returns, the canvass, and other particulars relating thereto, shall conform to the requirements of law concerning other county or township officers, and be subject to the same rules. The District Assessors shall take possession of their offices and occupy them for the same term as is now provided by law for the County Assessor, and the assessment rolls of their respective districts, as returned by them, shall constitute the assessment roll of the county.

Assessment roll.

Bond.

Blank roll.

SEC. 3. Before entering upon the duties of their respective offices, the District Assessors aforesaid shall each execute a bond in favor of the people of the State of California, in a penal sum to be approved by the County Judge of said county, for such a sum as may be required by the Board of Supervisors of said county, conditioned for the faithful performance of all the duties which then or thereafter may be required by law; and the County Auditor of the county shall, with the advice and assistance of the District Attorney, prepare a blank assessment roll with the proper headings, in a well bound book, for each Assessor, and shall on or before the first Monday in March in each year, deliver the same to the Assessors.

SEC. 4. Each District Assessor shall enter upon, perform, Duties of make returns of, and complete the assessment of the real, per- Assessor.
sonal, and mixed property within his district in the same man-
ner, within the same time, and subject to the same rules as is
now required by law concerning the County Assessor.

SEC. 5. In addition to the duties heretofore required to be Collection of performed by the County Assessor it shall be the duty of the poll tax.
District Assessors to collect and account for the State poll tax of all persons in their respective districts who are required by law to pay the same, and shall be subject to the same rules, be possessed of the same power, receive the same compensation, settle in the same manner and at the same times, and be liable to the same penalties for neglect or malfeasance as is now provided by law concerning the Sheriff of Solano County as Collector of said poll tax. The Assessor shall have, and it is hereby made his duty to examine under oath or affirmation, any employer or his agent, touching the name or names, residence, or property of any person or persons in the employ or service of said agent or employer who is liable to pay poll tax.

SEC. 6. It shall be the duty of the Board of Supervisors, when they meet in each year as a Board of Equalization, to have administered to each District Assessor by their Clerk, or some person authorized to administer oaths, an oath or affirmation that he has used due diligence in the performance of all the duties required of him by law; that he has not omitted or neglected to assess any property owned or held within his district; that the valuations on his roll represent the true cash value of all property returned, or if there be exceptions, specifying the same; that the time for which he has charged was actually and necessarily employed in the discharge of his official duties; and that he has used due diligence and made every effort which he lawfully might to collect the poll tax of each person liable to pay the same in his district. The Board may also scrutinize the acts of said officers, ask any other and further questions that they may deem pertinent, and hear and examine any charges of dereliction or neglect which may be preferred by a citizen or property holder of either of said districts against either of said officers; and after such examination, and satisfying themselves of the time necessarily and properly employed, shall allow each of said officers compensation for each day so employed at a rate not exceeding six dollars per day; provided, Compensation. that the aggregate sum so allowed to all of said Assessors shall not exceed the sum of twenty-one hundred dollars, exclusive of the fees allowed by law for the collection of poll taxes.

SEC. 7. The office of County Assessor of said County of Solano as at present constituted shall be abolished from and after the expiration of the term for which the present incumbent was elected.

SEC. 8. All Acts and parts of Acts in conflict with this Act are hereby repealed so far as they conflict with the provisions of this Act.

CHAP. CCCLXXVIII.—*An Act for the relief of Donald McDonnell.*

[Approved March 26, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropria-
tion.

SECTION 1. The Controller of State is hereby authorized and required to draw his warrant on the Treasurer of State in favor of Donald McDonnell for the sum of six hundred dollars; and the sum of six hundred dollars is hereby appropriated out of any unappropriated money in the General Fund to pay said warrant.

SEC. 2. This Act shall take effect on its passage.

CHAP. CCCLXXIX.—*An Act for relief of Pliny M. Whitney, late Collector of Fishing Licenses.*

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Release from
liability.

SECTION 1. Pliny M. Whitney, late Collector of Fishing Licenses, under an Act entitled an Act for the protection of fisheries, approved April twenty-eighth, one thousand eight hundred and sixty, is hereby relieved from accounting to the Controller and Treasurer of State for blank licenses issued under the above mentioned Act; and the Controller of State is hereby authorized to balance the account of said Pliny M. Whitney on the Controller's books and give him a full discharge.

SEC. 2. This Act shall take effect immediately.

This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this thirtieth (30th) day of March, A. D. eighteen hundred and sixty-six.

JOHN YULE,
Speaker of the Assembly.
T. N. MACHIN,
President of the Senate.

Witness my hand and the Great Seal of State, this thirtieth day of March, eighteen hundred and sixty-six.

{
SEAL.
}

B. B. REDDING,
Secretary of State.

CHAP. CCCLXXX.—*An Act to transfer certain funds.*

[Approved March 30, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby authorized and required to order the Treasurer of State to transfer forty thousand dollars of the money known as the "Swamp Land Fund" into the "Capitol Fund." ^{Transfer of funds.}

Sec. 2. The Controller of State is hereby authorized and required to repay to said "Swamp Land Fund" the forty thousand dollars drawn from it by this Act out of the first money received into the said "Capitol Fund" on and after the first day of January, A. D. eighteen hundred sixty-seven. ^{Repayment.}

CHAP. CCCLXXXI.—*An Act granting to certain parties the right to construct and maintain a turnpike road within the County of Amador, and charge and collect tolls thereon.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Michael Heffran, John W. Surface, Daniel Stewart, ^{Franchise.} W. H. Harron, F. C. Hall, John Miller, Henry Crearer, William Sutherland, Herman Wohler, C. K. Dudley, R. F. Stepens, and John Edwards, together with such associates as they may admit, shall take, have, and enjoy all the rights, privileges, rights of way, franchises, and immunities hereinafter mentioned, upon condition that they and their associates shall incorporate themselves under the general laws of the State regulating the incorporation of turnpike road companies, and shall adopt the name of the "Ione City Turnpike Road Company," and shall abide by and fulfil the further conditions hereinafter mentioned.

Sec. 2. The said "Ione City Turnpike Road Company" shall have full power to build and maintain a public turnpike road, leading from Ione City, in Amador County, on the most practicable route, by way of Muletown, and near Irish Hill, to connect with or intersect the road leading from Drytown to Latrobe at Lamb's Bridge, or such other point on said Latrobe and Drytown road as said company may select in the said County of Amador; and it shall be lawful for said company to locate the line of said road, and fix the northern terminus thereof at said Lamb's Bridge, or any other point on said Drytown and Latrobe road, within the County of Amador, as will best subserve the interest of said company; *provided*, that nothing herein contained shall be construed to infringe or trench upon the rights granted to the ^{Rights and privileges.}

Conditions.

"Latrobe and Jackson Turnpike Road Company;" and said company shall have and enjoy all the rights, privileges, and immunities thereto appertaining, and shall have the right of way, which is hereby ceded and granted to said company for the term of twenty years; and the State enters into these covenants, and makes these grants, and guarantees these rights and privileges upon express condition that said turnpike road shall commence at said Ione City, in Amador County, running thence by way of Muletown, and near Irish Hill, on the route or line that shall be selected and located by said company, to Lamb's Bridge, or such other terminus as said company shall select on the said Drytown and Latrobe road; and that the grade of said turnpike road shall not exceed six feet to the one hundred; also, said company shall construct good and substantial bridges and culverts at all points on said road where the same are required, except that said company shall not be required to build bridges over Sutter Creek and Dry Creek, where said road crosses the said creeks; and that within four months after the passage of this Act the said company shall commence and within eighteen months shall complete the said turnpike road, bridges, and culverts.

How to be constructed.

SEC. 3. The said turnpike road shall be constructed of sufficient width, and the said bridges and culverts of sufficient strength to admit of the passage of the largest and heaviest sized teams; and said road, bridges, and culverts shall be kept in good condition for travel by the largest and heaviest teams.

Tolls.

SEC. 4. The said company, upon the completion of five miles of said turnpike and the bridges and culverts theron, commencing at said Ione City, shall be authorized to charge and collect such rates of fare or toll as the Board of Supervisors of Amador County may establish; and upon the completion of the remainder of said turnpike road, shall be authorized to charge and collect such rates of fare or toll on the whole of said turnpike road as the said Board may annually fix; *provided*, such rates shall not be so reduced during the first ten years after the completion of said turnpike road as to produce an income of less than twelve per cent per annum upon the cost of constructing said turnpike, culverts, and bridges, over and above the expenses of collection and keeping said turnpike, culverts, and bridges in repair; and, *provided*, further, that no toll gate shall be established within one half mile of said Ione City.

Regulations and prices.

SEC. 5. Said company shall keep at each end of said turnpike road a sign board, which shall show the scale of prices and the regulations of the road.

Act made applicable.

SEC. 6. The Act of May twelfth, eighteen hundred and fifty-three, authorizing the formation of corporations for the construction of plank and turnpike roads, and the Acts amendatory thereof and supplementary thereto, are hereby extended and made applicable to said "Ione City Turnpike Road Company," when not in conflict with the provisions of this Act.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXXXII.—An Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo, and fix their term of office.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of San Luis Obispo shall be composed of three members, who shall be ^{How composed.} elected by districts at the time and in the manner hereinafter provided.

SEC. 2. Each township in said county as now defined shall, ^{Districts, and elections.} until otherwise altered by the Board, constitute one Supervisor District, and shall annually elect one Supervisor each, who shall enter upon the duties of and hold office for one year from and after the first Monday in October subsequent to their election, and until their successors are elected and qualified.

SEC. 3. On the first Wednesday in September in the year one thousand eight hundred and sixty-six, and every year thereafter, there shall be elected in the said county of San Luis Obispo, one Supervisor for each of said districts as aforesaid.

SEC. 4. The term of office of the present Board of Supervisors of said county shall cease and expire on the first Monday in October, A. D. one thousand eight hundred and sixty-six. ^{Term of office}

SEC. 5. This Act shall take effect and be in force from and after its passage; and all Acts and parts of Acts repugnant to the provisions of this Act are hereby repealed.

CHAP. CCCLXXXIII.—An Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six hundred and thirteen of said Act is hereby amended so as to read as follows:

Section 613. The Justice may, at the request of a party, on good cause being shown therefor under oath, but not otherwise, specially depute any discreet and responsible person of suitable age, and not interested in the action, or related to such Justice or party, to serve a summons or execution, with or without an order to arrest the defendant, or with or without a writ of attachment. The said Justice shall be liable on his official bond for all official acts of the person so deputed; such deputation shall be in writing on the process and shall state the reason thereof. ^{Special service of summons.}

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCLXXXIV.—An Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and forty-three of said Act is amended to read as follows:

Misdemeanor, and penalty. Section 143. Every act or offence not defined by statute which is a misdemeanor at common law, is a misdemeanor in this State. Every offence or act which by law is declared to be a misdemeanor, and for which no punishment is specially provided, shall be punished by imprisonment in the County Jail not exceeding six months, or by fine not exceeding five hundred dollars, or by both fine and imprisonment.

CHAP. CCCLXXXV.—An Act authorizing Jane A. Clark, wife of Reuben Clark, to convey or mortgage her separate property.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Right to sell. **SECTION 1.** Jane A. Clark, wife of Reuben Clark, is hereby authorized and empowered to sell and convey, at private or public sale, and to mortgage any or all of her separate property, real estate, personal or mixed, being situate in the City and County of San Francisco, and to make, sign, seal, execute, and deliver good and sufficient deeds of conveyance and mortgages therefor in her own name and of her own right, without the signature or acknowledgment of her husband, Reuben Clark, thereto.

Conveyances valid. SEC. 2. The deeds of conveyance and mortgages authorized in the first section of this Act shall be deemed, to all intents and purposes, as good, as sufficient, and as valid conveyances and mortgages, and of as much force and effect as if the same had been signed, sealed, executed, and delivered by said Reuben Clark jointly with his said wife, Jane A. Clark.

SEC. 3. This Act shall be in full force and effect from and after its passage.

CHAP. CCCLXXXVI.—An Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanic Institutes, and other kindred protective associations.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That corporations for the formation and organization of Chambers of Commerce, Boards of Trade, Mechanic Institutes, and other associations for the extension and promotion of trade and commerce, or the advancement, protection, and improvement of the mechanic arts and sciences, may be formed and organized according to the provisions of this Act, and such corporations, and the members thereof, shall be subject to the liabilities herein imposed, and to none other.

SEC. 2. Any twenty or more persons who may desire to form a corporation for either of the purposes specified in the preceding section, shall make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the County Clerk of the county in which the principal place of business of the company is intended to be located, and a certified copy thereof in the office of the Secretary of State, a certificate in writing, in which shall be stated the corporate name of the corporation, the object for which the corporation shall be formed, the time of its existence, not to exceed fifty years, and the name of the city or town, and county, in which the principal place of business of the corporation is to be located.

SEC. 3. A copy of any certificate of incorporation filed in pursuance of this Act and certified by the County Clerk of the county in which it is filed, or his deputy, or by the Secretary of State, shall be received in all Courts, actions, proceedings, and places, as presumptive evidence of the facts therein stated.

SEC. 4. When the certificate provided for in section two of this Act shall have been filed as therein provided, the persons who shall have signed and acknowledged the same, and such persons as shall thereafter become their associates or successors, shall be a body politic and corporate, and by their corporate name have succession for the period limited, and power:

First—To sue and be sued in any Court;

Second—To make and use a common seal, and to alter the same at pleasure;

Third—To lease, purchase, hold, sell, mortgage, convey in trust, convey, release from trust or mortgage, such real and personal estate as hereinafter provided in this Act;

Fourth—To elect or appoint such officers, agents, and servants as the business of the corporation shall require;

Fifth—To make by-laws, not inconsistent with the laws of this State, providing for the organization of the corporation and the management of its affairs.

SEC. 5. Corporations formed under this Act may have a capital stock, and may issue certificates to represent shares of such capital stock; provided, that the certificate directed in the

second section of this Act to be executed and filed shall contain a statement of the amount of such capital stock and the number of shares into which it is divided; and, *provided*, further, that the rights and privileges to be accorded to stockholders, as distinct from those to be accorded to members at large of the corporation, and the obligations to be imposed upon stockholders in the same relation, shall be fixed and established in the by-laws of each of such corporations.

Trustees, etc. SEC. 6. Corporations formed under this Act may confer upon a Board of Trustees or Directors, or upon a body to be styled the Executive Committee of the corporation, the right to exercise all or any portion of the corporate powers of the corporation; *provided*, that the certificate directed by the second section of this Act to be executed and filed in those cases in which the right to exercise the corporate powers is confined to a Board of Trustees or Directors, or to a body to be styled the Executive Committee of the corporation, shall state the fact, and also whether the right is limited or otherwise; and in such corporations the said certificate shall also state the number of such Trustees or Directors, or committee, and the names of those who shall have been selected to manage the affairs of the corporations for the first six months.

Real and personal estate.

SEC. 7. Corporations formed under the provisions of this Act shall be capable in law to lease, purchase, have, hold, use, take possession, and enjoy, in fee simple or otherwise, any personal or real estate within this State necessary for the uses and purposes of such corporation, and the same to sell, deed in trust, alien, and dispose of at their pleasure. All real estate owned by the corporation shall be held in the name of the same; and all conveyances made by such corporations shall be signed by the President and Secretary, and attested by the corporate seal; *provided*, that the real estate owned by any corporation under this Act shall not exceed in value two hundred and fifty thousand dollars; and, *provided*, further, that no corporation formed under this Act shall engage in any mercantile, commercial, or mechanical business.

Species of business.

By-laws.

SEC. 8. The by-laws of all corporations formed under the provisions of this Act without capital stock shall prescribe how members of the corporation shall be admitted, and how expelled, and how officers, agents, and servants shall be elected or appointed; and such provisions in the by-laws of any such corporation shall have full force and effect as between private parties and said corporation.

SEC. 9. Corporations formed under the provisions of this Act shall determine by their by-laws the manner of calling and conducting their meetings, the number of members that shall constitute a quorum, the manner of levying and collecting assessments, the officers of the same, and the manner of their election or appointment, and their tenure of office; and may prescribe suitable penalties for the violation of their by-laws, not exceeding in any case one hundred dollars for any one offence.

Powers to levy assessments. SEC. 10. Corporations formed under the provisions of this Act having no Board of Trustees, or Directors, or Executive Committee, shall have power to levy and collect from the members thereof, for the purpose of paying the proper and legal

expenses of such corporation, assessments in the manner which may be prescribed by the by-laws of such corporation, and not otherwise.

SEC. 11. Any existing corporation, association, or institution formed for either of the purposes contemplated by this Act, may, by a vote of a majority of the members voting at a meeting called specially for the purpose, become entitled to the benefit of this Act on filing the certificate required by this Act; *provided*, a notice of the meeting and its object shall be published in a paper of general circulation in the county in which the principal place of business of such corporation, association, or institution is located, for at least ten days previous to the day on which such meeting is to be held; and, *provided*, further, that the certificate herein provided to be filed shall be signed and acknowledged by at least five of the members of such corporation, association, or institution, and contain a list of the members who desire to become members of the corporation. And upon the filing of such certificate as provided by this Act, the persons signing and acknowledging the same, and those named therein, and such persons as shall thereafter become their associates or successors, shall be a body politic and corporate, with all the powers and privileges conferred by this Act, and shall thereupon succeed and become entitled to all the rights, franchises, and property of such corporation, association, or institution.

SEC. 12. This Act shall be in force from and after its passage; and all corporations formed under it are hereby exempted from the operation of all laws and parts of laws inconsistent with its provisions.

Existing corporations
may take
benefit of
this Act.

CHAP. CCCLXXXVII.—An Act to authorize and to provide for the payment by the County of Amador to the County of Calaveras, or its assigns, of interest on certain indebtedness due from the County of Amador to the County of Calaveras.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The warrants drawn and issued by the Auditor Warrants to bear interest of Amador County upon the Treasurer thereof, and in favor of the County of Calaveras, under the tenth section of the Act to provide for the ascertainment of the indebtedness of Calaveras County prior to the organization of Amador County, and to provide for the payment of that portion due from Amador County to the County of Calaveras, approved April twenty-seventh, eighteen hundred and fifty-five, shall bear legal interest from its date, which said interest shall be paid by the County of Amador to the County of Calaveras or its assigns; and said interest shall be paid in the same manner as the principal sum of said warrant was paid or is payable; and the creation of the fund provided for by the ninth section of said Act shall continue

Levy of tax. until said warrant and the interest thereon as aforesaid is fully paid and discharged; *provided*, however, that the Board of Supervisors of Amador county shall assess and levy the special tax provided for by the ninth section of said Act for the present year, so that special tax shall be due and collectable at the same time that the taxes for other county purposes are due and collectable for the present year.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCLXXXVIII.—*An Act to fund the debt of Calaveras County.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Allowance of claims, and funding of indebtedness SECTION 1. The County of Calaveras is hereby authorized to fund all outstanding indebtedness of said county which shall have accrued prior to the first day of October, A. D. one thousand eight hundred and sixty-six, and for that purpose the Board of Supervisors of said county shall have and exercise the powers and perform the duties hereinafter provided, and may do, and perform any business pertaining to the funding of such indebtedness at any regular or adjourned meeting of said Board that may be held after the passage of this Act; and the said Board of Supervisors are hereby authorized to examine, settle, and allow all just demands against said county which may have accrued subsequent to the twenty-first day of April, eighteen hundred and sixty-three; *provided*, that this Act shall not be so construed as to authorize the said Board of Supervisors to allow any claim or demand against said county which may have been barred by an Act entitled an Act more effectually to limit the time for the presentation and allowance of claims against counties, approved March fifth, eighteen hundred and sixty-four, to become a charge against the General Fund of said county; but all such claims or demands shall be surrendered in exchange for the bonds of said county, as hereinafter provided; and, *provided*, further, that said Board be and they are hereby authorized and directed to examine and settle a certain demand held by the County of Sacramento against the County of Calaveras for costs incurred in the case entitled The People of the State of California vs. Ah Tung and others, together with interest thereon at the rate of ten per cent per annum from the time of the presentation of said demand to the authorities of said County of Calaveras for payment, (said case having been transferred from the District Court of the Sixteenth Judicial District in and for the County of Calaveras to the District Court of the Sixth Judicial District in and for the County of Sacramento, for trial,) and to issue bonds as prescribed in this Act therefor.

SEC. 2. The Board of Supervisors shall cause to be prepared and shall have power to issue on behalf of the County of Cala-

veras bonds to an amount not exceeding in all the sum of twenty thousand dollars, bearing interest at the rate of ten per centum per annum, of the denominations of twenty-five dollars, fifty dollars, one hundred dollars, five hundred dollars, and one thousand dollars, respectively, with coupons for interest attached, which bonds shall be made payable at the office of the Treasurer of said county, on or before the first day of January, A. D. one thousand eight hundred and seventy; and the interest on the same shall be made payable annually at the Treasurer's office in said county, on the first Monday of January in each year, on presentation of the respective coupons therefor. Every bond so issued shall be signed by the Chairman and Clerk of the Board of Supervisors, and be authenticated with the seal of said county, and shall be countersigned by the Treasurer, and registered by the Auditor and Treasurer of said county in a book to be kept for that purpose in their respective offices, and to be kept and preserved as a part of the records of said offices; and said bonds shall purport that the County of Calaveras owes the holder thereof the sum named in the bond, payable and bearing interest as aforesaid; said bonds and interest to be paid in gold or silver coin.

SEC. 3. The Board of Supervisors shall cause the bonds issued by them to be delivered to such persons as may at that time have in their possession or be the holders or owners of any portion of the debt of said county described in section one of this Act, and which shall have been allowed by said Board of Supervisors as a just and equitable demand against said county, as the holders thereof will surrender to said Board of Supervisors in exchange for the bonds aforesaid; *provided*, that said bonds shall not be so delivered at less than one hundred cents on the dollar of the principal sum expressed in the same.

SEC. 4. It shall be the duty of the Board of Supervisors to cause to be levied annually a special tax, to be collected in the same manner as is now provided by law in force or which may be hereafter enacted, on the real and personal property of said county, not to exceed forty cents on each one hundred dollars of the valuation thereof, sufficient to meet the accruing interest annually on said bonds, and to create a Sinking Fund for the redemption of the same not to exceed the sum of seven thousand dollars annually.

SEC. 5. On the first Monday of January, A. D. one thousand eight hundred and sixty-seven, and on the first Monday of each succeeding year, it shall be the duty of the Treasurer, on the order of the Board of Supervisors, from the money in his hands set aside and appropriated as above provided for that purpose, to pay the interest on the bonds outstanding; *provided*, that to meet the interest which may become due prior to the collections of the tax herein provided, the Treasurer shall transfer money sufficient therefor from the General Fund of the county; and on the first Monday of January, A. D. one thousand eight hundred and sixty-seven, and on the first Monday of January in each succeeding year, it shall be the duty of the Treasurer of said county, on the order of the Board of Supervisors, to adver-

tise for at least thirty days in one newspaper published in said county, for sealed proposals for the surrender of said bonds in a principal sum sufficient to exhaust the moneys in his hands set apart and appropriated for that purpose. The Treasurer shall open said sealed proposals at the time and place specified in said publication, in the presence of the Board of Supervisors of said county, who shall accept only of such bids as shall cancel the greatest amount of bonds; *provided*, that no bonds shall be redeemed at a greater rate than one hundred cents for one dollar, together with the interest which may then be due thereon.

Record. SEC. 6. It shall be the duty of the Clerk of the Board of Supervisors and the Treasurer of said county each to keep a separate record of all such bonds as may be issued under the provisions of this Act, showing the number, date, and amount of each bond, and to whom the same was issued, and also the rates and dates of cancellation.

Payment of expenses. SEC. 7. The Board of Supervisors of said county may make any order necessary to carry into effect the provisions of this Act, and are hereby authorized to appropriate out of the General Fund of said county a sum sufficient to pay for the necessary advertising and the printing of the blank bonds authorized to be issued by this Act.

Redemption of claims. SEC. 8. The Board of Supervisors of said county shall advertise in some newspaper published in said county for proposals for the exchange of said bonds for any of the claims, demands, or indebtedness described in section one of this Act; and in the event the said bonds authorized to be prepared and issued under and by virtue of the provisions of this Act are not accepted and applied for by the holders of the claims, demands, or indebtedness mentioned in section one of this Act, in any year before the levying of the tax and the appropriations referred to in sections four and five of this Act, the taxes so levied and appropriated by the Board of Supervisors under this Act for the payment of interest on and redemption of the same shall be legal and valid to all intents and purposes as if the bonds had been issued; and it shall be the duty of the Board of Supervisors of said county to set apart and appropriate the amount of the tax so levied and collected to the redemption of the indebtedness, claims, and demands hereinbefore mentioned.

CHAP. CCCLXXXIX.—*An Act amendatory of and supplementary to an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Settlement for taxes. SECTION 1. Upon the first Monday in December of each year, the Tax Collector of each township shall settle with the County

Auditor for all taxes collected by him up to the first Monday in December, and the Auditor shall on that day charge the Tax Collector with the amount of taxes remaining due upon his delinquent list, and the Tax Collector shall then take the delinquent list and retain the same in his possession until the first Monday in February.

Sec. 2. It shall be the duty of the Tax Collector, while the delinquent list shall remain in his possession, to collect all taxes delinquent thereon; *provided*, that the Tax Collector after the first Monday in December of each year may add to the amount of tax charged to any person or persons or property on said delinquent list the sum of five per cent, to be collected and retained by him as a compensation for his services in the collection thereof in addition to the percentage now allowed by law for like services.

Sec. 3. On the first Monday of February in each year the *final settlement*. Tax Collector shall make a final settlement with the County Auditor, of all taxes charged against him on account of said delinquent list.

Sec. 4. The County Auditor shall within five days after the *first Monday in February* in each year, deliver to the District Attorney of the county the delinquent list received by him from the Tax Collector, who shall thereupon institute suit thereon in the same manner provided by law.

Sec. 5. The provisions of an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, shall be applicable in all its provisions to the Township Collectors and Assessors in their respective townships, as in said Act provided for, for County Collectors and Assessors, except wherein said Act conflicts with the provisions of this Act.

Sec. 6. This Act as amended and supplemented shall be applicable only to the Assessors and Collectors of the townships of El Dorado and Amador Counties.

Sec. 7. All Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall take effect immediately after its passage.

CHAP. CCCXC.—An Act to legalize certain acts of the Board of Supervisors of Contra Costa County.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The acts of the Board of Supervisors of Contra Costa County at their regular meeting, commencing on the first Monday of March, A. D. eighteen hundred and sixty-six, in assessing and levying the amount of State and county taxes required to be levied and assessed by law in the County of Con-

Acts of
Supervisors
legalized.

tra Costa, are hereby declared to be lawful, and are in all things confirmed.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCXCI.—*An Act to provide a fund for the erection of county buildings in the County of Marin, and other matters in relation thereto.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Levy of tax. SECTION 1. The Board of Supervisors of Marin County may, in their discretion, for and during each of the years eighteen hundred and sixty-six, eighteen hundred and sixty-seven, eighteen hundred and sixty-eight, eighteen hundred and sixty-nine, and eighteen hundred and seventy, levy a special tax of not exceeding fifty cents upon each one hundred dollars value of the taxable property of Marin County, which tax shall be levied, assessed, and collected at the same time, and in the same manner, and in the same kind of currency that other county taxes of said county are levied, assessed, and collected; provided, that for the year eighteen hundred and sixty-six such tax may be levied by said Board of Supervisors at their first regular meeting after the passage of this Act; and, provided, that said Board of Supervisors may, in their discretion, omit to levy said tax for and during one or more of the years herein provided, and may levy a greater tax for and during one or more of said years than for the others; provided, that the amount so levied for any one year shall not exceed the said sum of fifty cents upon each one hundred dollars value of the taxable property of said county.

Building Fund. SEC. 2. All moneys collected under the provisions of this Act shall form and constitute a fund to be applied to the payment of the cost and expenses of erecting a suitable Court House, Jail, and necessary county offices, and of the lot or lots of land upon which said buildings shall be situated; which fund shall be called and known as the "Court House Building Fund."

Erection of Court House and Jail. SEC. 3. At any time after the moneys which may have accumulated in said fund shall amount to at least twelve thousand dollars the Board of Supervisors of said county shall have power and may proceed to erect a suitable Court House, Jail, and necessary county offices in and for said county; and may employ a competent architect to draught plans and specifications of said buildings or any of them, and to make estimates of the probable cost and expense of the said buildings or any of them. Said Board of Supervisors may erect separate buildings for said Court House, Jail, or any county office, as they may deem best, and shall have full power and authority to do and perform all acts and things which may be requisite or necessary to carry out the provisions and object of this Act; provided, that contracts for the erection of said buildings or any of them shall be let to the lowest responsible bidder in the manner prescribed

by law; and, *provided*, that the aggregate cost and expense of cost, erecting the said buildings, and furnishing them, and of purchasing the necessary lot or lots of land upon which such buildings shall be located shall not exceed the sum of thirty (30) thousand dollars.

Sec. 4. The Board of Supervisors shall have power to purchase in the name of said county and in the manner prescribed by law, any lot or lots or parcels of land at the county seat of said county, for the purpose of erecting said county buildings thereon; *provided*, that the aggregate cost of such lot or lots or parcels of land shall not exceed the sum of one thousand dollars; and, *provided*, that no such lot or lots or parcels of land shall be purchased by said Board of Supervisors until after the said "Court House Building Fund" shall have amounted to the said sum of twelve thousand dollars. The said Board of Supervisors may take and receive in the name of said county, by deed duly executed and acknowledged, any gift, grant, or donation of any lot or lots or parcels of land situated at the county seat of said county for the purpose of erecting any county building or buildings thereon.

Sec. 5. All county buildings herein provided for shall be located at the place which shall be the county seat of said County of Marin at the time of the election thereof.

Sec. 6. Any money that may remain in the said "Court House Building Fund" after the payment of all the cost and expenses of erecting and furnishing the county buildings and offices, and of purchasing the lot or lots or parcels of land herein provided for, shall be transferred to and become a part of the County Fund of said County of Marin.

Sec. 7. All Acts or parts of Acts conflicting or inconsistent with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall take effect and be in force from and after its passage; *provided*, that no contract for the erection of the buildings herein provided for or any of them, nor for the purchase of any lot or lots or parcels of land herein provided for, shall be made or entered into until after the question of the re-location of the county seat of said County of Marin shall have been submitted to a vote of the qualified electors of said county and determined.

CHAP. CCCXCII.—*An Act in relation to the office of Assessor of the City and County of San Francisco.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Assessor of the City and County of San Francisco shall be allowed to assist him in making his assessment, in lieu of the deputies now provided by law, one Chief Deputy, one Draughtsman, four Office Deputies, and twelve Field Deputies. The Field Deputies shall be paid at the rate of Deputies, and salaries.

one hundred and fifty dollars per month each. The term for which such Field Deputies shall be paid shall not exceed an average of three months each. The four Office Deputies shall be paid at the rate of one hundred and fifty dollars each per month, and shall be employed and paid only from the first day of February until the assessment roll is finally completed and handed over to the Auditor, and only for such time as they shall be actually employed in the discharge of their duties. The Chief Deputy and Draughtsman may be employed during the entire year. The Chief Deputy shall be paid at the rate of two hundred dollars per month, and the Draughtsman at the rate of one hundred and fifty dollars per month.

Payment. SEC. 2. The Auditor of said city and county is hereby directed to audit, and the Treasurer of said city and county to pay out of the General Fund the salaries herein provided for.

SEC. 3. All Acts and parts of Acts, so far as they shall conflict with the provisions of this Act, are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXCIII.—*An Act granting to certain parties the right to construct and maintain a turnpike road within the Counties of El Dorado and Amador.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise. SECTION 1. It shall be lawful for F. A. Bishop, O. L. Chamberlain, John H. O'Brien, T. A. Springer, Jesse Couch, F. C. Hall, W. L. Dudley, S. Hanford, James McKnight, Leonard Cowey, B. F. Richtmeyer, A. C. Brown, A. H. Houchner, C. T. Meader, J. M. Brunell, L. Soher, C. D. Burleson, F. W. Robison, or the majority of said parties, or their assigns, and others with whom they may associate themselves, to be known as the Latrobe and Jackson Turnpike Road Company, to construct and maintain a turnpike road in the Counties of El Dorado and Amador, commencing at a point just south of and near the Town of Latrobe, in El Dorado County, and thence running, via Drytown, Amador City, and Sutter, to the Town of Jackson, in Amador County, and terminating at said last named place.

Term. SEC. 2. For the purpose of constructing and maintaining said turnpike road, said company shall have and enjoy the rights of way for said road for the period of twenty (20) years, and such right of way is hereby granted and fully vested in said company by this Act; *provided*, that in case the lands of private persons are taken for that purpose, compensation shall be made in the same manner and by the same mode of proceedings as is provided by law for railroad companies to obtain the right of way.

Right of way. SEC. 3. It shall be lawful and said company shall have full power and authority in constructing and maintaining said road, to enter upon, take, and use any public county road or highway,

**May use
county roads**

or any portion thereof, which may be upon the line or route of said company's road, as a part of their own road; *provided*, that in every instance where such public county road or highway is taken and used as aforesaid, said company shall within a reasonable time improve said roads or parts thereof so taken and used, and shall keep the same in good repair and open for public travel.

SEC. 4. The said road shall be substantially graded, and of Grade. sufficient width to admit of the passage of the heaviest teams, and shall be kept open for travel and in good order.

SEC. 5. When any part of said road shall be graded for a distance of six (6) miles, it shall be lawful and said company is hereby authorized to charge and collect tolls for travel and passage upon such road so completed; and the right to collect the same upon said portion of six (6) miles from time to time completed, and upon the whole road when completed, shall continue for the period of twenty (20) years after completion, and the Board of Supervisors of Amador county shall fix and regulate such rates of toll; *provided*, that the rates of toll shall be sufficient to enable the company hereby incorporated to comply with the requirements of section six (6) of this Act.

SEC. 6. The entire revenue derived from said road, after first deducting the necessary expenses for collection thereof and the management of the company, and five (5) per cent in addition thereto for incidental expenses, shall be kept by said company as a Road Fund, to be expended from time to time as said company may direct in improving and keeping in repair said road, and for the construction and maintenance of fords, and such structures as shall serve to perfect and maintain a system of permanent road drainage, bridges, [and] culverts; and such fund shall be used for no other purpose whatever.

SEC. 7. It shall be lawful for the persons named in section one (1) of this Act, and those associated with them, or their assigns, at any time before the completion of said road, to incorporate themselves under the general laws of the State regulating incorporations and providing for the incorporation of turnpike companies, by complying with the provisions of such Acts or laws.

SEC. 8. The rights, privileges, franchises, and immunities herein granted, are upon the express condition that the construction of said road shall be commenced within one (1) year after the passage of this Act, and shall be completed from Latrobe to Jackson within two (2) years thereafter.

SEC. 9. This Act shall take effect immediately after its passage.

CHAP. CCCXCIV.—An Act to authorize William Codington, Jonathan Clark, Casper S. Ricks, T. D. Felt, and W. B. Dobyns, of Humboldt County, and John Simpson, Hiram Willits, and William Heizer, of Mendocino County, together with those whom they may associate with them, to construct a turnpike road from the present settlement on Eel River, in Humboldt County, to Long Valley, in Mendocino County, and to charge and collect toll thereon.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Conditional franchise. **SECTION 1.** William Codington, Jonathan Clark, Casper S. Ricks, T. D. Felt, and W. B. Dobyns, of Humboldt County and John Simpson, Hiram Willits, and William Heizer, of Mendocino County, together with those whom they may associate with them, shall take, have, possess, and enjoy all rights, privileges, rights of way, franchises, and immunities hereinafter mentioned, upon condition that they shall incorporate themselves under the general laws of this State regulating corporations, and shall adopt the name of the Eel River and Long Valley Road Company, and shall abide and fulfil the conditions hereinafter mentioned.

Rights, etc. **SEC. 2.** Said company when incorporated as aforesaid shall have full power to build, erect, construct, and maintain a public toll road from Eel River, in Humboldt County, to Long Valley, in Mendocino County, and shall have the right of way for that purpose, and shall enjoy all the rights, privileges, and immunities thereunto appertaining, for the period of twenty-five years from the completion of said road.

Commencement, and completion. **SEC. 3.** Said company shall, within one year from the passage of this Act, commence the construction of said road, and within four years build and complete the same, otherwise the rights herein granted shall be forfeited, and this Act become null and void.

Tolls. **SEC. 4.** Said company, upon the construction and completion of said road, shall be authorized and empowered to charge and collect such rates of toll as the Boards of Supervisors of Humboldt and Mendocino Counties shall annually establish, the Supervisors of each county establishing the rate of toll to the boundary line between the two counties; *provided*, that said Boards of Supervisors shall not have power to reduce the rates of toll so as to yield less than twelve per cent per annum upon the capital stock of said company; and *provided*, that the capital stock of said company shall not exceed one hundred thousand dollars.

Counties may give aid to enterprise **SEC. 5.** To secure the certainty of having sufficient stock taken to make an early completion of said road, the Counties of Humboldt and Mendocino may provide forty thousand dollars towards the building of the road; three fifths of this sum, or twenty-four thousand dollars, to be provided by Humboldt County, and two fifths, or sixteen thousand dollars, to be provided by Mendocino County; said sums to be raised in the two counties respectively in manner and form here specified, and the

safe and certain application of such sums to the building of the road, and the redemption of bonds that may be issued, shall be secured as hereinafter provided.

SEC. 6. At the annual election to be held next after the preliminary organization of the company, as provided by law, or at a special election which the respective Boards of Supervisors are hereby authorized to call therefor, a proposition shall be submitted to the legal voters of the two counties respectively, to determine whether they are willing that their counties shall provide the sums specified in section five of this Act for the construction of the road. If a special election be called for the purpose, the Boards of Supervisors shall cause two weeks' notice thereof to be given in at least one newspaper in each of the counties, and establish precincts, appoint Inspectors and Judges of Election, and do all things according to law; and if it be at the annual election, specific provision shall be made to call the attention of the electors to the subject. The voting shall be by ballot, and those voting in favor of the two counties providing respectively towards the construction of the road the amount specified in section five shall have written or printed on their ballots the words, "Support of Turnpike Road—Yes," and those voting against it shall have written or printed on their ballots the words, "Support of Turnpike Road—No."

SEC. 7. Ballots shall be returned, canvassed, and counted in result. the same manner that ballots at the general election for State and county officers are returned, canvassed, and counted, and if a majority of the votes so cast "Yes," or "No," on said proposition shall be in favor of granting means for the road as herein provided, the Board of Supervisors of the counties, respectively, within ten days after the result of said election is known to be favorable to the proposition, shall enter on the journal of their proceedings the result of the election, and the further declaration that the county has agreed to provide the sum specified in section five for the construction of the road, and this declaration shall be signed by the Chairman of the Board of Supervisors in the counties respectively, and witnessed by their Clerk.

SEC. 8. If there shall be no funds in the County Treasury Issue of with which to meet this obligation thus ordered by the people, bonds. and incurred, the Treasurer of said county of Humboldt and Mendocino, either or both, shall issue bonds of the county, signed by him as Treasurer, and countersigned by the Chairman of the Board of Supervisors. The said bonds shall be issued whenever and as often as a call shall be made upon the stockholders of said company for the payment of the subscriptions or assessments, so that the counties respectively shall pay to the road as fast as stockholders are required to pay; provided, that the first issue of bonds shall be before the final organization of the company; and, provided, further, that said first issue of bonds shall not be less than one tenth of the amount for which the counties respectively become responsible.

SEC. 9. Said bonds shall be issued for sums not less than one hundred dollars nor more than five hundred dollars each, and coupons for the interest shall be attached to each bond so that Denomina-
tion, and
interest.

they may be removed without injury to the bonds. The bonds thus issued under this Act shall bear interest at a rate not exceeding ten nor less than seven per cent per annum, and shall be paid by money raised by taxation upon all taxable property in the county in ten and the interest in fifteen annual instalments.

Levy of
interest and
redemption
tax.

SEC. 10. It shall be the duty of the Boards of Supervisors of the two counties respectively to levy annually on all taxable property of the county a sufficient percentum tax to pay the amount of interest accruing on said bonds annually on the twentieth day of December of each year for fifteen years; and also on and after the fifth year from the commencement of the issuance of said bonds, to levy annually an additional percentum tax upon all taxable property in the county sufficient to pay annually on the twentieth day of December one tenth part of all bonds issued to said company. The Supervisors shall make such levies early enough in each year to enable the Collector of taxes to collect the same at the same time and in the same manner as the annual State and county taxes are collected; and such taxes, collected in accordance with the provisions of this Act, shall be paid into the County Treasury of the two counties respectively, and shall be set apart for the Turnpike Road Fund, and shall be paid out by the Treasurer in redemption of said bonds and in payment of the annual interest as provided in this Act.

Interest, and
redemption.

SEC. 11. The payment and redemption of bonds referred to in this Act shall be the payment and redemption of the principal debt or original bonds, and the interest shall be annually paid, as herein provided, on the twentieth day of December, upon the presentation of the coupons attached to the bonds. Fifteen coupons shall be attached to each bond, and shall be numbered, and shall express thereon the amount of interest due each year, when and where payable, and shall be signed by the Treasurer and the Chairman of the Board of Supervisors in the same manner as the bonds are required to be signed.

Cancella-
tion, and
partial
payment.

SEC. 12. Whenever the Treasurer shall pay any coupons or any bonds under the provisions of this Act, he shall cancel the same and preserve the cancelled coupons and bonds, and shall keep a record thereof, giving the number, date, and amount thereof, and from whom received, and shall write across every such coupon and bond the words, "Cancelled by me," and shall sign his name thereto as Treasurer. And whenever the Treasurer shall pay only a part of any bond, he shall indorse such part payment on said bond, and shall cause the holder thereof to sign the same, which shall be witnessed by the Treasurer. And upon the payment of any annual instalment of interest or interest and principal, as herein provided, any balance remaining of said funds shall annually be transferred to the County General Fund of the respective counties.

Dividends.

SEC. 13. Of all dividends declared upon the capital stock of said company, none shall be declared in favor of the counties interested herein, as provided in this Act, until the stockholders first receive fifteen per cent per annum upon the stock paid in; and after that any amount remaining shall be paid to the County of Humboldt, to the amount of three fifths thereof, and to the

County of Mendocino to the amount of two fifths thereof, to go into the General County Fund of the counties respectively.

SEC. 14. On each issue by either county herein specified of any certain amount of bonds, the Treasurer of said company shall receive them at the face thereof, upon the order of the Board of Directors, to be credited to the county or counties that shall issue them as so much of the amount that said counties respectively agree to pay on said roads; and on the delivery of such bonds to the Treasurer of said company, the Treasurers of the counties respectively shall take a receipt therefor, and shall from time to time keep a correct account between the counties and the said company in regard to the issue and delivery of said bonds.

SEC. 15. To secure to the Counties of Humboldt and Mendocino the certain and prudent application of all sums provided by them for assisting in building said road, the Treasurer of said company who receives such bonds shall execute to the county providing them his indemnifying bond in double the amount of bonds thus received, conditioned that said bonds shall be faithfully and exclusively applied to the construction of said road, the said indemnifying bonds to be approved by the Supervisors of the counties respectively; and these indemnifying bonds shall be renewed as often as a new Treasurer of the company is chosen or additional amounts paid by the counties; and any failure to fulfil the obligations of said indemnifying bonds shall subject the party giving them to liability for all damages the counties may thereby incur, and all costs in collecting the same. And as a further guarantee that the counties shall not be injured in thus providing a portion of the means for said company, the Chairman of the Board of Supervisors of Humboldt and Mendocino Counties respectively shall be ex officio members of the Board of Directors of said company, and shall be so recognized and received by said company and by the Board of Directors thereof, and shall be eligible to any office of trust in the gift of the company.

SEC. 16. Should but one of the counties herein named provide means for assisting in building the said road as herein specified, still the provisions herein made shall apply to that one county, and be binding between that county and the company herein provided for; but should neither county, by the vote of its citizens, comply with the provisions herein made, and thus fail to advance the amount of funds herein provided for, then the portions of this Act referring to such advancement of funds shall be void; but all rights and franchises herein provided for such company shall remain in full force and effect.

SEC. 17. This Act shall be in force from and after its passage.

Chairman of
Supervisors
to be ex officio
Director.

Conditional
provisions.

CHAP. CCCXCV.—An Act to fix the salary of the Superintendent of Common Schools of San Joaquin County.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary.

SECTION 1. The County Superintendent of Common Schools of San Joaquin County shall receive for his official services (travelling expenses included) a compensation of twelve hundred and fifty dollars per annum, payable monthly; and to be audited and paid in the same manner as the salary of the County Judge is now audited and paid.

SEC. 2. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXCVI.—An Act to fix the fees and compensation of certain officers in the County of San Joaquin.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fees.

SECTION 1. Such fees or other compensation as hereinafter provided are allowed to the several county officers of the County of San Joaquin hereinafter specified for the services rendered in discharging the duties imposed on them by law; and such officers may lawfully charge, demand, and receive the same.

FEES OF THE CLERK OF THE DISTRICT COURT.

Fees of Clerk District Court. SEC. 2. For entering each suit on the Clerk's register of actions, and making the necessary entries therein during the progress of the trial, for each folio, twenty cents.

For issuing every writ or process under seal, seventy-five cents.

For issuing subpoenas, to each witness, twenty-five cents.

For filing each paper, twenty-five cents.

For entering every motion, rule, or order, or default, thirty cents.

For entering every discontinuance, dismissal, or non-suit, thirty cents.

For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, thirty cents.

For calling and swearing every jury, fifty cents.

For receiving and entering each verdict of a jury, fifty cents.

For entering every final judgment, for the first folio, one dollar; for each additional folio, twenty cents.

For filing judgment roll, fifty cents.

For entering judgment on judgment docket, thirty cents.
 For entering satisfaction of judgment, fifty cents.

Fees of Clerk
District
Court.

For administering every oath or affirmation, seventy-five cents.

For copy of any proceeding, or record, or paper, for each folio, twenty cents.

For every certificate under seal, fifty cents.

For searching the files of each year in his office, (but not to charge suitors or attorneys,) seventy-five cents.

For issuing every commission to take testimony, fifty cents.

For taking down testimony during the trial, for each folio, twenty cents, to be paid by the party requiring the same.

For issuing every execution, or other final process, seventy-five cents.

For issuing every decree or order of sale of mortgaged property, seventy-five cents.

For issuing writ of injunction or attachment, seventy-five cents.

For entering judgment by confession, as in other cases of entry of judgment.

For receiving and filing every remittitur from the Supreme Court and accompanying papers, seventy-five cents.

For taking each bond required by law, fifty cents.

For taking justification thereon, not to exceed one dollar.

For acknowledgment of deeds and other instruments, including all writing and the seal, for the first name thereto, one dollar; and for each additional name, twenty-five cents.

When the Court is sitting as a Court of criminal jurisdiction, he shall receive for the trial of each issue on a charge of felony, five dollars; and he shall receive no other fees in a criminal case in the District Court, except for copies of papers, for which he shall receive twenty cents for each folio.

FEES OF THE CLERK OF THE COUNTY COURT.

Sec. 3. For filing all papers sent on appeal from Justices' County Court Courts, in each cause, and making the necessary entries concerning the same, two dollars. When the Court is sitting as a Court of criminal jurisdiction, he shall receive, where the charge is felony, five dollars; where the charge is misdemeanor, three dollars; and he shall receive no other fees for services performed in any criminal action or proceeding except for copies of papers, for each folio, twenty cents.

FEES OF CLERK OF THE PROBATE COURT.

Sec. 4. For issuing letters testamentary or of administration, Probate Court. fifty cents.

For certificate of appointment of appraisers or guardians, fifty cents.

For writing and posting notices when required, for each copy, fifty cents.

For recording wills, per folio, twenty cents.

For other services, the same as are allowed the Clerk of the District Court for similar services.

For notice given by publication, in addition to the cost of publication, fifty cents.

FEES OF COUNTY RECORDER.

County
Recorder.

SEC. 5. For recording any instrument, paper, or notice, when required, for each folio, twenty-five cents.

For copies of any record or paper, per folio, twenty-five cents.

For filing or receiving every instrument for record and making the necessary entries thereon, twenty-five cents.

For making in the several indexes required all the entries required of the filing and recording any instrument, paper, or notice, twenty-five cents.

For every certificate under seal to copies of papers or record in the office, when required, fifty cents.

For every entry of discharge of mortgage on margin of record, fifty cents.

For searching records and files of each year in his office, when required, fifty cents.

For abstract or certificate of title, when required, for each conveyance or encumbrance certified, one dollar.

For recording any town plat, for every course, twenty-five cents.

For figures and lettering plates and maps, per folio, fifty cents.

For taking and writing acknowledgments, including seal, for the first signature, one dollar; and for each additional signature, twenty-five cents.

For filing and entering a minute of certificate of Sheriff's sale, fifty cents.

For filing a certificate of tax sale, fifty cents.

For recording marriage certificates, one dollar.

For filing and keeping each paper not required to be recorded, and indorsing the same if required, twenty-five cents.

Supervisors.

SEC. 6. The Supervisors of the County of San Joaquin shall be entitled to receive, for mileage and expenses incurred while on county business at any other place than the county seat, a sum not to exceed one hundred dollars in any one year to each member of the Board, in addition to the compensation now allowed by law.

SEC. 7. All Acts and parts of Acts, so far as they are inconsistent with this Act, are hereby repealed.

SEC. 8. This Act shall take effect on the first Monday of March, eighteen hundred and sixty-seven.

CHAP. CCCXCVII.—*An Act to fix the compensation of the Board of Supervisors of Sonoma County, and to define their powers and duties.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Each member of the Board of Supervisors of the ~~salary.~~ County of Sonoma shall be entitled to receive for his services for each day's necessary attendance on the business of the county, a sum to be fixed by the Board, not exceeding five dollars per day, and not to exceed in the aggregate four hundred [dollars] per annum, including the mileage heretofore allowed by law.

SEC. 2. The said Board are hereby authorized to allow a reasonable compensation to their Clerk for the services required of him under any road law that may be in force in said county, and which does not make the necessary provisions for the payment therefor. Compensation to Clerk.

SEC. 3. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed so far as they may relate to the County of Sonoma.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. CCCXCVIII.—*An Act concerning the Board of State Capitol Commissioners.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. To each of the two State Capitol Commissioners ~~salary.~~ not receiving salaries as State officers shall be paid out of the State Capitol Fund an annual salary of one thousand dollars, as provided by the original Act for the construction of the State Capitol, passed March twenty-ninth, A. D. eighteen hundred and sixty, which shall be in full compensation for all services rendered to the State as such Commissioners.

SEC. 2. No member of the Board of State Capitol Commissioners shall be entitled to the benefit of this Act whose bonds for the penal sum of twenty-five thousand dollars have not been duly executed, approved, and filed, as required by law; and no ~~exception.~~ State officer, acting as ex-officio Capitol Commissioner, shall receive any compensation for services as such Commissioner by virtue of this Act.

SEC. 3. This Act shall take effect and be in full force from and after its passage.

CHAP. CCCXCIX.—An Act for the settlement of delinquent taxes for the year eighteen hundred and sixty-two in the County of San Luis Obispo.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

No further proceedings.

SECTION 1. The District Attorney of San Luis Obispo County is hereby authorized and required, for the final settlement of the delinquent taxes for the year eighteen hundred and sixty-two in said county, not to institute any or take further proceedings for the collection of the same from and after the passage of this Act.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCC.—An Act to authorize H. H. Smith and others to construct and maintain a turnpike road from Cave Valley to a point on the line of the Central Pacific Railroad, at or near Auburn Station.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise.

SECTION 1. H. H. Smith, John Mullet, J. D. Pratt, and their associates and assigns, are hereby authorized and empowered to construct and maintain a turnpike and toll road from Cave Valley, in the County of El Dorado, to a point on the North Fork of the American River, immediately below the junction of the Middle Fork with said North Fork; thence by the most feasible route to a point on the line of the Central Pacific Railroad, at or near Auburn Station, in the County of Placer.

Rights.

SEC. 2. The said H. H. Smith, John Mullet, and J. D. Pratt, named in section first of this Act, and their associates and assigns, shall have full power to build, keep, and maintain a toll and turnpike road from the said Cave Valley to the said point on the line of the Central Pacific Railroad, at or near Auburn Station, by the route designated in section first of this Act; and to have and enjoy all the rights, privileges, and immunities thereto belonging or in anywise appertaining; and shall have and maintain a right and property in and over said road, which is hereby ceded and granted to them, together with all the powers and privileges in this Act mentioned, for the term of twenty years from the completion of the one half of said road. The aforesaid rights and privileges are granted by the State of California upon the express condition that within six months from the passage of this Act the said above named persons and their associates and assigns shall cause the entire route of the said road to be surveyed and definitely established, and shall expend at least a sum of money equal to one half of the whole cost of construct-

Conditions.

ing said road, exclusive of the cost of survey, and within one year shall complete the said road.

SEC. 3. The same rights as those now extended by the laws of this State to plank and turnpike road companies in relation to the taking of property for the use of plank and turnpike roads, are hereby extended to the said persons named in the first section of this Act, and their associates and assigns; and the damage to be paid in the same manner as provided in the law for the formation of said plank and turnpike road companies.

SEC. 4. The said turnpike road and bridges thereon shall be constructed of sufficient solidity to admit of the passage of heavy freight teams, and shall be kept at all seasons in condition for travel thereon by the same, and of sufficient width to allow said wagons or teams to pass each other when meeting on said road.

SEC. 5. Upon completion of said road, the said turnpike road company shall report to the Board of Supervisors of Placer County the number and location of toll gates erected on said road, and the amount of money expended in the location and completion of said road and toll gates, duly verified by affidavit; and thereupon the said Board of Supervisors of Placer County shall from time to time establish the rates of toll to be collected upon said road; *provided*, said rates shall not be reduced so as to produce a less income than fifteen per cent per annum upon the cost of constructing said road and toll gates over and above the expenses of collecting and keeping said road in repair.

SEC. 6. Said company, in addition to the powers hereinbefore granted, shall have all the right to enter upon and occupy private lands necessary to the location of said road, and take and use any timber, earth, rock, gravel, or other materials necessary to the construction or repair thereof, which are conferred upon railroad companies by an Act for the incorporation of railroad companies, approved May twentieth, eighteen hundred and sixty-one, and the several Acts amendatory thereof.

SEC. 7. This Act shall take effect and be in force from and after its passage.

Right to use land and materials.

CHAP. CCCCII.—An Act to authorize H. B. Tichenor and R. G. Byxbee to construct a railroad and railroad wharf in Mendocino County.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. H. B. Tichenor and R. G. Byxbee and their assigns are hereby authorized to construct and maintain for the space of twenty-five years from the passage of this Act a railroad track and wharf at the mouth of the Navarro River, in Mendocino County, said track to commence at the sawmill of said Tichenor and Byxbee, and to cross the said river at the most convenient point near said mills, and thence along the northern

Proviso.

shore of said river to the ocean. Said railroad wharf may extend into the ocean a sufficient distance to allow railroad cars loaded with lumber or other merchandise to land and be loaded on board vessels for water transportation; *provided*, that the said Tichenor and Byxbeed shall construct a draw or opening in said track, where the same crosses the river, of sufficient size to allow all vessels plying on said river to pass without obstruction, and keep said draw in good working order so that the free navigation of said river shall not be obstructed thereby or by reason thereof, and shall keep said draw open whenever required for the navigation of said river. A space of one hundred feet in width on each side of said wharf bounded by water is hereby set apart for the free access to and egress from said wharf.

Commencement, and completion.

SEC. 2. Said railroad and wharf shall be commenced within two years and be completed within three years from the date of the passage of this Act; and a failure to comply with the requirements of this section shall be considered a forfeiture of all the rights and privileges granted by this Act.

CHAP. CCCCII.—*An Act to authorize the construction of a wagon road from the Town of La Porte, in the County of Sierra, to the Town of Quincy, in Plumas County.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise.

SECTION 1. J. C. Church, E. H. Peirce, John N. Thompson, James H. Haun, L. F. Cate, Sylvester Meyers, Andrew Jackson, R. A. Clark, S. Howell, John Robinson, Jackson Wrie, S. F. Brewester, Creed Haymond, Fred Howard, their associates and assigns, are hereby authorized to construct and keep in good repair a wagon road, commencing at the Town of La Porte, in Sierra County, and running thence by the way of Onion Valley, or Saw Pit Flat, Dickson Creek, and Willow Ranch, to the Town of Quincy, in Plumas County, and they shall complete said road within two years from the passage of this Act.

Right to use land and materials.

SEC. 2. Said grantees, their associates and assigns, shall have the right of way over and along the route of said road, and they shall have all the right to enter upon and occupy private lands necessary to the location of said road, and to take and use any timber, rock, earth, or other material necessary to the construction thereof, which are conferred upon railroad companies by an Act for the incorporation of railroad companies, approved May twentieth, eighteen hundred and sixty-one.

Tolls.

SEC. 3. The said grantees, their associates and assigns, shall be allowed to collect tolls upon said road for the period of twenty years from and after the completion thereof; *provided*, that no tolls be collected by them upon any road now in use in Sierra County; *provided*, the tolls so collected shall not exceed twelve per cent per annum upon the cost of said road, after paying

the expense of keeping the same in repair; and, provided, further, that at any time after the expiration of ten years from the completion of said road, the said grantees, their associates and assigns, shall sell, transfer, and convey the said road to the Counties of Plumas and Sierra, upon the payment to said grantees, their associates and assigns, by said counties, the original cost of constructing said road.

Right of
purchase
reserved.

Sec. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCCIII.—An Act to provide for the construction of a wagon road from the Town of Oroville, in the County of Butte, to Beckwith's Pass, in Plumas County.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. John B. McGee, C. E. Smith, Geo. A. Reynolds, ^{Franchise.} E. D. Hasselkus, John Hardgrave, J. T. Taylor, N. C. Cunningham, R. C. Chambers, M. D. Howell, W. A. Bolinger, C. W. Cahalan, R. E. Garland, D. R. Cate, Samuel Goodwin, James H. Houck, James E. Edwards, W. S. Dean, Joseph Kelly, R. Thompson, W. D. Smith, Wm. Wagenor, R. Irwin, David Ery, their associates and assigns, are hereby authorized to construct and keep in repair a good wagon road, commencing at the Town of Oroville, in the County of Butte, and running thence up either the North or Middle Fork of Feather River, to Beckwith's Pass, in Plumas County; provided, that if the road established and authorized to be located under this Act be located on a line of route that would cross the Middle Feather River at or between its junction with the North Fork of Feather River and its junction with the South Fork of said Middle Feather River, said road and franchise shall commence and join the present travelled public road from Oroville via Bidwell's Bar to Quincy at some point on said road on the north side of said Middle Feather River, instead of Oroville, to be selected by the parties in interest; and, provided, further, that the franchise and rights ^{Proviso.} granted under this Act shall not in any manner affect, impair, or encroach upon any franchise, rights, privileges, or immunities heretofore granted by the Legislature of this State to any person, company, or corporation whatever.

SEC. 2. The said grantees, their associates and assigns, shall, ^{Location, and} ^{completion.} within one year from the passage of this Act, survey and locate the line of said road on one of the routes above named, and between the points above designated, upon the best grade and at the lowest altitude practicable; provided, that in locating said road they shall not interfere with any public road in either the County of Butte or the County of Plumas; and they shall complete the construction of said road within five years from the time of the completion of said location.

Right of way. SEC. 3. After the survey and location of said road as provided in section two of this Act, the said grantees, their associates and assigns, shall have the right of way over and along the route of said road, and shall have all the right to enter upon and occupy private lands necessary to the location of said road, and to take and use any timber, rock, earth, or other material necessary to the construction thereof, which are conferred upon railroad companies by an Act for the incorporation of railroad companies, approved May twentieth, eighteen hundred and sixty-one; and no other toll road shall be constructed within three miles on either side of said road having the same termini and running parallel therewith.

Tolls. SEC. 4. The said grantees, their associates and assigns, shall have power to collect tolls upon said road to an amount not exceeding twenty per cent per annum upon the cost of building the same, for the period of thirty years.

Right to purchase reserved. SEC. 5. At any time after ten years from the completion of said road, the said grantees, their associates and assigns, shall sell, transfer, and convey the said road to the Counties of Butte and Plumas, upon the payment to them by said counties the original cost of constructing said road.

Act made applicable. SEC. 6. The Act of May twelfth, eighteen hundred and fifty-three, authorizing the formation of corporations for the construction of plank and turnpike roads, and the Acts amendatory thereof, are hereby made applicable to said company, except so far as it may conflict with the provisions of this Act.

SEC. 7. This Act to take effect and be in force from and after its passage.

CHAP. CCCCIV.—*An Act for the preservation of trout in the Counties of San Mateo and Santa Clara.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Unlawful fishing. SECTION 1. It shall not be lawful for any person or persons to cast, draw, or make use of any seine or net, hook and line, or other appliances, for the purpose of catching trout in any of the streams, rivers, or lakes in the Counties of San Mateo and Santa Clara, during the time intervening between the first of January and the fifteenth day of May of each year.

To fish with hook and line only. SEC. 2. It shall not be lawful for any person or persons to catch or kill trout in any of the streams, lakes, or parts of lakes, or other waters lying within the boundaries of the Counties of San Mateo and Santa Clara, with any seine or other net, or any spear, weir fence, basket, trap, gill net, or set net, or any poisonous, deleterious, or stupefying drug or other substance, or other implement or appliance, except a hook and line, at any time.

Penalty. SEC. 3. Any person who shall violate the provisions of the foregoing sections of this Act, shall on conviction be fined in any sum not less than fifty dollars nor more than two hundred dol-

lars, with costs in addition; one half the fine in each case to be paid to the informer, should he demand the same, and the other half to be paid into the Common School Fund of the county; and in case the one half of such fine shall not be demanded, the whole amount of the fine shall be paid into the said fund; and in case default be made in the payment of such fine, the person or persons so convicted shall be imprisoned not less than twenty-five nor more than ninety days.

SEC. 4. Nothing in this Act shall be construed to prohibit or prevent Indians from taking trout in any of the streams or lakes of this State, at any time, in the same manner and by the same means heretofore usually used or employed by them. excepted.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCCCC.—*An Act to re-incorporate the Town of Santa Clara.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that tract of land now called the Town of Boundaries. Santa Clara, in the County of Santa Clara, State of California, lying and including all within the following limits, that is to say: Beginning at the northeast corner of Section Two in Township Number Seven south, Range One west from Mount Diablo Meridian, according to the United States survey; thence running west on the north side of said township line to the northwest corner of Section Three; thence south at right angles along the west side of Section Three and Section Ten to the centre of Section Ten; thence east at right angles along and through the centre of Sections Ten and Eleven; thence north at right angles along the east side of Sections Eleven and Two to the place of beginning—embracing the entire Sections Two and Three, the north half of Section Ten, and the north half of Section Eleven—shall hereafter be known as the Town of Santa Clara.

SEC. 2. The government of said town shall be vested in a Govern-
ment, and
name. Board of Trustees, to consist of five members, a Board of Education, to consist of five members, one of whom shall be Superintendent of Public Schools, to be chosen by the members of said Board, and a Town Marshal, Assessor, Treasurer, and Recorder. Said town shall be a body politic and corporate by the name and style of the Town of Santa Clara; and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued in all Courts and in all actions whatsoever, and may provide for the use and regulation of all the commons and property, both real and personal, belonging to the town, (except the school property,) by lease or otherwise.

SEC. 3. Said Trustees, Board of Education, Marshal, Treasurer, Assessor, and Recorder shall be elected by the qualified voters of the town on the first Monday in April, A. D. eighteen Election, and
term of office

hundred and sixty-six, and their successors on the first Monday of April each and every succeeding year thereafter, at a charter election to be held for that purpose by the legal voters, residents of said town; and they shall hold their offices for one year, or until their successors are elected and qualified.

Elections.

SEC. 4. For the first election held to fill offices created by this Act, the present Board of Trustees of said town shall appoint one Inspector and two Judges of Election, who, together with two Clerks, to be appointed by them, shall take the oath of office prescribed by law for Inspector and Judges of State and County Elections, to be held at a place to be designated by said Board of Trustees, declare the polls open, proceed to receive votes, and declare the result. No person shall be entitled to vote, nor hold any office by this Act created, unless he shall be a qualified elector under the laws of the State. The person having a plurality of all the votes cast shall be declared elected. At all subsequent elections the acting Board of Trustees shall designate the officers of election, and the compensation of each shall not exceed two dollars per day. All returns of town elections shall be made out and signed by the officers of election and filed with the Town Clerk. The polls for all town elections shall be opened at one o'clock P. M. and continue open until seven o'clock P. M. of the same day. Vacancies to [be] filled as by law provided.

Trustees.

SEC. 5. The Board of Trustees shall assemble within ten days after receiving notice of their election, and choose a President from their number and some person as Clerk; they shall by ordinance fix the times and places of holding their stated meetings, and may be convened by the President at any time; and all meetings of the Board of Trustees shall be held within the corporate limits of said town, and shall be public.

Meetings.

SEC. 6. At the meetings of the Board a majority of the Trustees shall constitute a quorum to do business; a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Board previously by ordinance may have prescribed.

SEC. 7. The Board of Trustees shall judge of the qualification and of the election returns of their own members, and determine contested elections of all town officers; they may establish rules for their own proceedings, punish any member or other persons for disorderly behavior in their presence, and, with the concurrence of four of the Trustees, expel any member; they shall keep a journal of their proceedings, and at the desire of any member shall cause the yeas and nays to be taken on any question and entered on the journal.

Powers.

SEC. 8. The Board of Trustees shall have power to make such by-laws and ordinances, not inconsistent with the Constitution and laws of the United States and of this State, as they may deem necessary to prevent and remove nuisances, to prohibit disorderly conduct, to provide for licensing public shows, lawful games, business houses, and bars at which spirituous liquors are sold; to regulate and establish markets; to construct and keep in repair pumps, aqueducts, reservoirs, or other works necessary for duly supplying the town with water; to lay out, alter, open and keep open, and repair the streets and alleys of

the town ; to provide such means as they may deem necessary to protect the town from injuries by fire ; to levy and collect annually, exclusive of the school tax, a tax on all property in the town not exceeding one half of one per cent on the assessment valuation thereof; to impose and collect a poll tax of not exceeding one dollar per annum on every male inhabitant of twenty-one years of age and upwards ; to impose and collect a tax on dogs of not exceeding ten dollars per annum on every dog found at large within the corporate limits of the town ; and to pass such other by-laws and ordinances for the regulation and police of said town as they may deem necessary to carry out the foregoing power herein conferred.

SEC. 9. The Board of Trustees may impose fines for the breach ^{Fines.} of their ordinances, but no fine shall be imposed on any one person for any one breach of any ordinance, of more than one hundred dollars, which fine may be recovered before any Justice of the Peace having his office within the incorporate limits of the town, or before the Town Recorder, by suit in the name of the Town of Santa Clara, and collected by execution, or in such other manner as fines imposed by the laws of the State are collected ; and persons living in the town shall be competent jurors and witnesses, if in other respects competent and qualified. All fines collected in pursuance of this Act, shall, by the officers collecting the same, be paid over to the Town Treasurer, and for any omission to do so, such officer may be proceeded against upon his official bond in the name of the town, in the manner authorized by law on the failure of officers to pay over money collected when so required.

SEC. 10. The Board of Trustees shall have power to impose <sup>Imprison-
ment.</sup> fines and imprisonment for any breach or violation of any town ordinance ; but no fine shall be for a larger amount than one hundred dollars, nor more than thirty days' imprisonment for any offence, or fifty days' labor on the streets or property of the town, which labor said Trustees shall have power and authority to impose on failure to pay the fines.

SEC. 11. The Trustees shall succeed to all the rights, titles, <sup>Rights and
privileges.</sup> interests, possessions, credits, and immunities, liabilities, debts, and obligations in law or in equity that shall be enjoyed or owed by the Board of Trustees at the time of the taking effect of this Act, or the government of said town since the first incorporation, with its rights, incidents, and liabilities. The said Trustees may purchase, hold, and receive property, real and personal, within said town necessary for public purposes, and may lease the same for a term not exceeding five years, for the benefit of the town ; *provided*, further, the Board of Trustees may purchase, receive, and hold lands outside of the corporate limits for cemetery purposes, and have the same control over such property as if situated within the limits of said town.

SEC. 12. The Trustees shall receive for their services such compensation as by ordinance the Board of Trustees may have the previous year prescribed, which in no case shall exceed fifty dollars a year to any one member ; neither shall they or either of them be interested directly or indirectly during their term of office in any contract, sale, lease, or agreement with the town. All contracts for building and repairing, wherein the Trustees are

authorized to make for the town, shall by them be let to the lowest responsible bidder in such manner as they may by ordinance provide.

Improvement and repair of streets.

SEC. 13. If at any time the owners of two thirds of the real estate fronting on any street, counting from one cross street to another cross street, shall petition the Board of Trustees for the privilege of constructing, repairing, grading, graveling, or paving such street or the sidewalks along the same, then it shall be the duty of said Trustees to cause an immediate survey of the proposed improvements to be made by some competent surveyor, who shall in his specifications give the proper grade and the amount of excavation or filling in front of each person's real estate to the middle of the street; or, if the improvements only extend to the sidewalks, then he shall give the grade and the amount of the excavation or filling of the sidewalks. If the Board of Trustees approve the survey and specifications of the surveyor, they shall order said improvements as petitioned for to be made, and shall make an assessment of the costs thereof to each of the persons owning said real estate, and the same shall constitute a lien upon such real estate until the assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making his improvements in accordance with the specifications and within the time mentioned in the ordinance ordering said improvements to be made; but if not so made, then it shall be the duty of the Marshal forthwith to let out in the manner provided by ordinance the making of all improvements that remain unfinished; and if the owner or occupant of such real estate shall fail, neglect, or refuse to pay for the cost of the same when completed, it shall be the duty of the Marshal, by order of the Board of Trustees, to institute suit in the name of the town against said owner for the recovery of said costs, and the judgment rendered thereon shall constitute a lien upon said real estate, and execution may be issued thereon, and may be served as in other civil cases. The Trustees may require the streets, after such improvements have been made, to be kept in good repair by the owners of said real estate; and if not repaired when ordered, the Marshal shall let out the making of said repairs, and collect the cost of the same in the same manner as in case of the owners failing to make or pay for the cost of the improvement as aforesaid; *provided*, further, that the cost of the survey and specifications shall be paid out of the General Fund of the town.

Taxes.

SEC. 14. The Trustees shall fix by ordinance each year the amount of taxes to be levied and collected for current expenses; *provided*, that any single body of land lying within the corporate limits of the Town of Santa Clara, if exceeding in size an original block of land within said town, and if belonging to a single individual or firm, if said land is not subdivided by any public street or streets of said town, then said body of land shall not be subject to any tax for municipal purposes exceeding that levied upon any single original block of land in said town with the improvements thereon, excepting for grading and repairing streets lying contiguous to said lands, and in which the owners thereof are interested equally with all other citizens, in which case the provisions hereinbefore made for such grading and

repairing shall be in full force and effect; *provided*, further, that the foregoing clause shall not be construed to interfere with the State and municipal provisions for the levying of school taxes.

SEC. 15. Every ordinance passed by the Board of Trustees, *Ordinances.* in order to possess legal force, shall receive a majority vote of all the members elected.

SEC. 16. The Board of Trustees, or a committee of their number appointed for that purpose, shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed to the Clerk his assessment, and after ten days' notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor, and shall have power to modify and change such valuation in any way they or a majority of them shall deem just and proper; said meeting shall be held for one week, and no longer.

SEC. 17. The Marshal, Treasurer, Assessor, Clerk, and Recorder, before entering upon the duties of their office, shall take the oath of office as prescribed by law, and shall also give a bond, with sureties to be approved by the Board of Trustees of said town, payable to the Town of Santa Clara, in such penalty as may be prescribed by ordinance, conditioned for the faithful performance of the duties of their offices as required by law. Should the bond of any town officer become insufficient, he shall be required to give such additional security within ten days as the Board of Trustees may require, not exceeding the amount fixed by ordinance; upon his failure to do so at the time fixed, his office shall be declared vacant and a new election ordered, or the vacancy be filled by appointment as herein provided.

SEC. 18. If any vacancies shall occur in any of the offices created by this Act at any time more than six months previous to the regular election, the same shall be filled by special election, to be called by the Board of Trustees for that purpose, by giving five days' notice thereof. Should such vacancy occur six months or less previous to any regular election, the same shall be filled by the Board of Trustees.

SEC. 19. Should any of the officers herein mentioned fail to qualify and give the bond required for the period of ten days after receiving notice of their election, the office shall be deemed vacant, and the same shall be filled as provided for in this Act. *Failure to give bond.*

SEC. 20. The official bond of every officer named in this Act shall be filed with the President of the Board of Trustees.

SEC. 21. The President of the Board of Trustees shall preside at all meetings; he shall communicate to the Board all such information as he possesses, and make such recommendations in regard to the affairs of the town as he may deem expedient at such meetings; he shall make a semi-annual report and statement on the first Monday of September and March in each year, of the receipts and expenditures of the preceding months, specifying upon what account each expenditure and receipt was made and had, and embodying also his views and recommendations of the town affairs, and cause the same to be published. If he neglects to make and cause such statements to be published, he shall forfeit for any such neglect the sum of two hundred dol-

*Report of
President of
Board.*

*Penalty for
neglect.*

lars, to be recovered in any Court of competent jurisdiction; one half whereof shall be to the use of the town, and the other half to the use of the person who may bring the suit for the collection of the said forfeiture.

Ordinances
of acting
Trustees
valid.

SEC. 22. Until the Board of Trustees shall pass such ordinances as may be required by this Act, the ordinances heretofore passed by the acting Board of Trustees of said town shall be legal and effectual as if passed under this Act, and the same shall be enforced by the town officers until others in their stead shall be passed by the Board of Trustees and published.

Allowance
and payment
of demands.

SEC. 23. All demands that shall lawfully arise against the town, in order to be entitled to payment, shall, after being verified by the oath of the claimant, be presented to and allowed for such amount as shall be deemed just by the Board of Trustees; and no bill, demand, or warrant shall be paid out of the Town Treasury unless the same be allowed by the Board of Trustees, signed by the President of said Board and countersigned by the Clerk, (except the school demands,) and shall specify out of what fund or appropriation the same shall be paid.

Duties of
Town Clerk.

SEC. 24. It shall be the duty of the Town Clerk, in addition to any duties required of him by the Board of Trustees, to attend all meetings held by said Board, shall keep a correct journal of their proceedings, and on receiving the official returns of all charter elections held, shall without delay, after the result of the election has been declared by the Board of Trustees, notify the persons elected, and shall draw and countersign all orders drawn on the Town Treasurer, (except orders on the School Fund, which shall be drawn as hereinafter provided,) and he shall receive such compensation as said Board of Trustees may deem just.

Board of
Health.

SEC. 25. In addition to the powers conferred on the Board of Trustees, they shall, with a practicing physician appointed by them, constitute a Board of Health; said Trustees shall have power to pass ordinances to prevent and remove anything that is or may become injurious to the health of persons, or that will in any way obstruct the free use or enjoyment of any person's property within the limits of said town; by order of said Board of Health, it shall be the duty of the Marshal to institute suit against said offender or offenders, in the name of the town, for the removal of the same, the costs of such suit to be collected as in other cases.

Powers and
duties of
Marshal.

SEC. 26. It shall be the duty of the Town Marshal, in addition to any duties required of him by the Board of Trustees, and he is hereby authorized to execute and return all processes issued by the Recorder's Court regularly, to enforce all ordinances passed by the Board of Trustees, and arrest all persons guilty of a violation of the same; to collect all licenses and taxes that shall at any time be due to said town; to receive the tax list, and upon the receipt thereof to proceed and collect the same at the same time and manner as by ordinance may be provided, the said Marshal being hereby vested with the same powers to make collections of taxes by the sale and conveyance of real estate as is or shall be conferred upon Collectors or Sheriffs for the collection of State and county taxes; and it shall be the duty of said Marshal to collect in the same manner any

tax list placed in his hands for that purpose, without any unnecessary delay, and pay all taxes and licenses to the Town Treasurer monthly, taking his receipt therefor, retaining his percentage therefor, which shall not exceed five per cent. The Town Marshal shall also be invested with all the powers conferred by law upon Constables, and shall receive the like fees for his services, to be paid in like manner.

Sec. 27. It shall be the duty of the Recorder, and he is Recorder. hereby authorized and required, to take cognizance of all offences against the laws of the State, and of all breaches of the town ordinances, and to execute the same. He shall be entitled to receive the same fees as are allowed Justices of the Peace by law for like services; and all fines imposed by the Town Recorder, or Justice of the Peace, and collected for any breach of the peace, or violation of any of the town ordinances, shall be paid into the Town Treasury for the use and benefit of the town.

Sec. 28. It shall be the duty of the Town Treasurer to receive Treasurer. and safely keep all moneys that shall come into the Town Treasury, and pay out the same on the order of the President of the Board of Trustees, countersigned by the Town Clerk, and take receipts therefor, and to perform such other duties as shall be required of him by said Board, and shall be allowed a commission of two per cent on all money paid out on orders drawn and signed as aforesaid, (except orders drawn on the School Fund, for which he shall receive no compensation,) if there be money in the Treasury sufficient to pay the same; and shall make out a quarterly statement of his receipts and payments, verified by his oath, and file the same with the Town Clerk; and at the end of his official term shall deliver over to his successor in office all moneys, books, papers, or other property in his possession belonging to the town, and take his receipt therefor.

Sec. 29. It shall be the duty of the Town Assessor, in addition to any duties required of him by the Board of Trustees, Assessor. between the first Monday of May and the first Monday of August of each year, to make out a true list of all taxable property within the limits of said town, which list, certified by him, shall be placed in the hands of the Board of Trustees for equalization. The mode of making out such list and ascertaining the value of property shall be the same as that prescribed by law for assessing State and county taxes; and the Assessor shall receive for his services such sum as shall be fixed by ordinance, not exceeding four dollars for each day's labor.

Sec. 30. The Board of Education shall have sole power:

Powers and
duties of
Board of
Education.

First—To establish and maintain public schools.

Second—To employ and dismiss all teachers necessary to be employed in such schools; to employ all janitors and Census Marshals, and to fix, alter, change, allow, and order paid, the salaries or wages of all teachers, officers, and other persons employed by said Board of Education.

Third—To establish and regulate the grade of schools; provided, that no books of a sectarian character to be used in said schools; to establish a course of study, and mode of instruction; to make, establish, and enforce all proper rules and regulations,

Powers and duties of Board of Education. not contrary to law, for the government and progress of the public schools within said town, and for carrying into effect the laws relating to education.

Fourth—To build, repair, alter, rent, and provide school buildings, and to furnish them with proper school furniture, apparatus, and appliances.

Fifth—To grade, fence, and improve school lots, and to pave and repair streets fronting school property to the middle of said street, and to construct and repair sidewalks in front of said school lots.

Sixth—To lease for a term not exceeding one year or to sell any school property not in use, or not necessary for school purposes; *provided*, that whenever twenty (20) good and lawful citizens, who may have children six or more years of age, at that time actually attending the public schools of said town, shall petition the Board of Education not to sell or lease any school lot, school house, school furniture, apparatus, appliances, or other property described in said petition, it shall not be lawful for said Board of Education, and they shall not sell, or lease, or dispose of the property described in said petition; and all titles acquired to both real and personal property from said Board of Education contrary to the provisions of this section of this Act shall be null and void; and, *provided*, further, that all moneys accruing from the sale of any school property shall be applied by said Board of Education to the purchasing of school lots, school furniture, and school apparatus, and to nothing else, nor for any other purpose or purposes.

Seventh—To purchase, receive, and hold in trust for the Town of Santa Clara, any and all real estate and personal property now belonging to said town, or that may hereafter be acquired by said town, for the use and benefit of the public schools of said town.

Eighth—To join with the Trustees of the town in suing for any and all lots, lands, and property belonging to said school department, or claimed by them, and to prosecute and defend all actions in law or in equity, and to employ counsel whenever the advice or services of counsel shall be necessary; *provided*, that fees paid to counsel will not exceed one hundred dollars in any one year.

Ninth—To determine annually the amount of taxation, not exceeding one (1) cent on each dollar valuation upon the assessment roll, to be raised by tax upon the real and personal property within said town not exempt from taxation, for the establishment and support of free schools, and for carrying into effect all the provisions of law relating to public schools. The amount of taxation so determined by said Board of Education shall be reported to the Town Trustees, whose duty it shall be to levy and collect, or cause to be levied and collected, at the regular time for levying and collecting town taxes, the amount of taxation so determined and reported, as a school tax upon all taxable property of said town, and said tax shall be in addition to all other amounts levied for State, county, and town purposes; *provided*, that whenever it shall be necessary for the benefit and advancement of the public schools to purchase any lot or lots, to erect any building or buildings, to purchase any apparatus or

appliances, or to make any improvements in school lots, it shall be the duty of said Board of Education, and they shall levy the full amount of one (1) cent on each dollar valuation of property in said town, and use the excess not actually necessary for carrying on said schools for making said purchases or improvements.

Tenth—To examine, allow, or reject each or every demand against the Public School Fund; *provided*, no demand be rejected without good cause, of which the Board shall be sole judge.

Eleventh—To prohibit any child under six years of age from attending said school, and to do and perform all other acts necessary and proper for carrying into effect the powers conferred upon said Board of Education by this Act.

SEC. 31. Whenever it shall be ascertained by said Board of Education that the County Superintendent of Public Schools has apportioned the State and county School Fund, it shall be lawful for said Board of Education to draw an order [for] the amount accredited to said town and deliver the same to the Town Treasurer, who shall draw the money so accredited to said town and deposit the same in the Town Treasury to the credit of the School Fund.

SEC. 32. It shall be the duty of said Board of Education, and they shall keep open the public schools in said town for at least ten (10) months in each and every year, and said schools shall be free to all children between the ages of six and twenty-one years living within said town.

SEC. 33. Said town shall consist of but one district, which shall not exceed nor be less than the corporate limits of said town.

SEC. 34. It shall be lawful for the Board of Education to admit children living within the said district to attend school within said district by the payment of an amount not exceeding twelve cents per day per child; *provided*, that no child living without said district shall be allowed to attend school within said district until all the children within the district have been provided for.

SEC. 35. Whenever any contract or contracts are to be given or liabilities to be incurred to any amount exceeding fifty dollars, it shall be the duty of the Board of Education to cause notices to be published in three of the most public places in town, inviting sealed proposals for the object contemplated; such notices shall state the object contemplated, and the time when such proposals will be opened. The proposals offered shall be handed to the Town Superintendent of Schools, who shall proceed in open session to open, examine, and award the same to the lowest responsible bidder; *provided*, said Board may reject, for good cause, any and all bids, and especially shall no contract be given to one who has proved delinquent or unfaithful in a former contract; nor shall any member of the Board of Education be interested directly or indirectly in any contract.

SEC. 36. Each member of the Board of Education and the Town Superintendent of Schools shall give a bond in a sum not exceeding one thousand dollars each to the Town Trustees, conditioned upon the faithful performance of their duties; said bond to be signed by two good and sufficient sureties, residents

of the County of Santa Clara, and to be approved by the Town Trustees.

Suit for recovery of School property illegally sold or leased

SEC. 37. Whenever the Board of Education shall sell or lease any school property contrary to the provisions of this Act, it shall be lawful for any three citizens of the Town of Santa Clara to bring suit in any Court having jurisdiction against the vendee or lessee to recover such property; and all disbursements or expenses incurred by said three citizens in bringing such suit may be recovered in an action against the official bond of all those members of the Board of Education who may not be recorded upon the records of said Board as voting against the selling, leasing, or disposing of such property.

Record of proceedings and votes.

SEC. 38. The Board of Education shall keep a book, in which shall be recorded the proceedings of all meetings, both regular and special, and especially shall all votes, by the names of the members voting for buying, selling, renting, or leasing any school property, be recorded in said book; and said book shall be kept open for inspection by all citizens of the Town of Santa Clara.

SEC. 39. Whenever the Board of Education shall desire to sell or lease any school property, it shall be their duty to publish notices in three of the most public places in town at least ten days before the day of sale, stating the intention of the Board to sell or lease such property, and also describing the property to be sold or leased.

Board to organize, etc.

SEC. 40. The Board of Education shall meet on the first Monday next following the election of town officers, and organize by electing one of their number, excepting the Town Superintendent, as Chairman, and adopt rules for their government, and do and perform all other acts which they may deem necessary and which do not conflict with the provisions of this Act.

Duties of Town Superintendent.

SEC. 41. It shall be the duty of the Town Superintendent of Schools:

First—To act as Clerk of the Board of Education; to keep all books required by this Act to be kept by said Board of Education; to make all reports, and to do all other acts that may be required by said Board of Education not inconsistent with the general labors performed by Town and City Superintendents of Schools;

Second—To visit all the schools of said town at least once each and every term, and report at the next regular meeting of the Board of Education the condition of the schools, and any changes that the progress of the schools may require;

Third—To give aid and counsel to the teachers employed in such schools;

Fourth—To see that all teachers employed by said Board of Education comply with all the provisions of the general school law, and especially with those provisions requiring teachers to keep a neat and clean school register;

Fifth—To enforce all requirements of the Board of Education, and to see that their commands and wishes are obeyed;

Sixth—To ascertain and examine the attainments, both as to scholarship and moral character, of all applicants for schools within said town;

Seventh—To make a report at the end of his official term to the Town Trustees, giving an abstract of the statistics of the

schools, and a brief statement of the advancement or progress such schools may have made;

Eighth—At the expiration of his official term to deliver to his successor in office all books, papers, and property belonging to the Board of Education or held by them in their official capacity.

SEC. 42. The Town Superintendent of Public Schools shall ~~salary~~ have a salary not exceeding one hundred dollars per annum, to be fixed by the Town Trustees at their first meeting.

SEC. 43. All Acts or parts of Acts heretofore passed to incorporate the Town of Santa Clara conflicting with the provisions of this Act are hereby repealed.

SEC. 44. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCVI.—*An Act to appropriate money for contingent expenses of the Legislature.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of thirteen thousand dollars is hereby ~~Appropriation.~~ appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, for the following purposes, viz: Six thousand five hundred dollars for contingent expenses of the Senate, and six thousand five hundred dollars for contingent expenses of the Assembly, for the sixteenth session of the Legislature.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CCCCVII.—*An Act to grant the right to construct a wagon road.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. H. M. White, his associates and assigns, are hereby ~~Conditions~~ authorized to construct and keep in repair a good wagon road ~~franchise.~~ from the Town of Sextonville, in Tulare County, by the way of Posey Flat and Green Horn Mountain to any point on Kern River, and have and enjoy all the rights, privileges, and immunities thereto appertaining, and shall have the right of way, and the right to collect tolls thereon, which are hereby granted to him, his associates and assigns, for the term of twenty years; and the State enters into these covenants, and makes these grants, and guarantees these rights and privileges, upon express condition that he and his associates shall incorporate under the

general law for the incorporation of wagon road companies, and upon the further condition that within one year from the passage of this Act the said grantee, his associates and assigns, shall commence and within three years complete said wagon road; *provided*, said grantee may incorporate with a less number of associates than is required by the general law for the incorporation of wagon road companies.

**Right to use
of land and
material.**

SEC. 2. The said grantee, his associates and assigns, shall have the right to enter upon and occupy private lands necessary to the location of said road, and to take and use any timber, rock, earth, or other material necessary to the construction thereof, as provided by the Act of May twelfth, eighteen hundred [and] fifty-three, authorizing the formation of corporations for the construction of plank or turnpike roads.

Tolls.

SEC. 3. The said grantee, his associates and assigns, upon the completion of said road, shall report to the Board of Supervisors of Tulare County, at a regular or special meeting thereof, the number and location of gates erected thereon and the amount of money expended in the location and construction of said road, verified by the oath or affirmation of their Secretary or Treasurer, and thereupon said Board of Supervisors shall from time to time establish the rates of toll to be collected upon said road; *provided*, such rates shall not be so reduced as to produce an income of less than fifteen per cent per annum upon the cost of constructing said road over and above the expenses of collection and keeping said road in repair; and the said Board of Supervisors shall have power to examine the books and papers of said company, and take testimony, as in civil actions, for the purpose of ascertaining the cost of constructing and keeping said road in repair.

**Right to
purchase
reserved.**

SEC. 4. At any time after five years from the completion of said road the owners thereof shall sell, transfer, and convey (and they are hereby authorized to sell, transfer, and convey) the same to the County of Tulare, or any other county in which the same may be mostly located, at the expiration of said five years, upon the payment to them by said county the original cost of location and construction thereof.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCCCVIII.—*An Act to establish an Agricultural, Mining and Mechanical Arts College.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

**Establish-
ment of
college.**

SECTION 1. A college is hereby established in accordance with section two of Article Nine (IX) of the Constitution of this State, and to carry out in good faith the provisions of an Act of Congress, passed July second, eighteen hundred and sixty-two, granting to the State lands for maintaining an Agricultural

and Mechanical Arts College, which shall be known under the name and style of "The Agricultural, Mining, and Mechanical Arts College." The design of the institution, in fulfillment of the injunction of the Constitution, is to afford thorough instruction in agriculture, mining, and the natural sciences connected therewith. To effect that object most completely, the institution shall combine physical with intellectual education, and shall be a high seminary of learning, in which the graduate of the common schools can commence, pursue, and finish a course of study terminating in theoretic and practical instruction in those sciences which bear directly upon agriculture, mining, and the mechanical arts.

Sec. 2. That a Board of Directors is hereby established, ^{Board of Directors.} which shall be known under the name and style of the State Board of Directors of the Agricultural, Mining, and Mechanical Arts College. It shall consist of the Governor of the State, the President of the State Agricultural Society, the President of the Mechanics' Institute of the City and County of San Francisco, and five (5) other members. The five members of the Board of Directors shall be elected by the Legislature in joint convention assembled, three of whom shall be residents of the mining counties of this State, the other two from the agricultural counties of this State, who shall hold their office for the term of two years and until their successors are duly elected and qualified. They shall receive no compensation for their services, but shall be paid their travelling and other necessary expenses while employed on the business of the Board.

Sec. 3. The said Board of Directors shall be a body corporate, capable in law of suing and being sued, of taking, holding, and selling real and personal property, of contracting and being contracted with, of having and using a corporate seal, and of causing all things to be done necessary to carry out the provisions of this Act. ^{To be a body corporate.}

Sec. 4. Any vacancy in said Board caused by death, resignation, or removal from the State, shall be filled by the remaining members of the Board; *provided*, however, that the person elected to fill any such vacancy shall be chosen from the same county as the one whose place he shall be elected to fill. ^{Vacancies therein.}

Sec. 5. The Board of Directors provided for in this Act shall meet within ten days after the election of the Directors by the Legislature, at the call of and at such place as the Governor of the State, the President of the State Agricultural Society, and the President of the Mechanics' Institute shall direct, and at such other times and places as the Board shall determine. ^{Time for meeting.}

Sec. 6. At their first meeting the members shall choose one ^{President of Board.} of their number as President of their own Board, who shall not vote on any question before the Board, unless in case of a tie vote.

Sec. 7. At the first meeting of the Board, or as soon thereafter as competent persons can be obtained, they shall appoint a Secretary and Treasurer of the Board, neither of whom shall be a member of the Board of Directors. They shall take such bonds from the Secretary and Treasurer as shall be deemed adequate to ^{Secretary and Treasurer.}

secure the faithful performance of their duties by those respective officers. The Secretary and Treasurer shall be chosen biennially, and shall hold their offices for two years from the date of their election and until their successors are chosen and qualified.

Disposal of moneys.

SEC. 8. The Board shall direct the disposal of any and all moneys appropriated to the said college.

Duties of Secretary.

SEC. 9. The Secretary of the Board shall reside and keep his office at or near the said college. It shall be his duty to keep a record of the transactions of the State Board of Directors of said college, which shall be open at all times to the inspection of any citizen of this State. He shall also have the custody of all books, papers, documents, and other property which may be deposited in his office; also keep and file all reports which may be made from time to time by County, State, and District Agricultural Societies, horticultural, mechanical, and mining societies; and of all correspondence from other persons and societies appertaining to the business of husbandry, mechanics, and mining; address circulars to societies, and to the best practical farmers, mechanics, and miners in this State and elsewhere, with the view of eliciting information upon the latest and best modes of culture of those products, vegetables, trees, etc., adapted to the soil and climate of our State, and also on all subjects connected with field culture, horticulture, stock raising, and the dairy; he shall also correspond with established schools of mining and metallurgy in Europe, and obtain such information respecting the improvements of mining machinery adapted to California, and publish from time to time such information as will be of practical benefit to the mining interests and the working of all ores and metals; receive and distribute such rare and valuable seeds, plants, shrubbery, and trees, as may be in his power to procure from the General Government and other sources, as may be adapted to our climate and soils. To effect these objects he shall correspond with the Patent Office at Washington, and with the representatives of our National Government abroad, and, if possible, procure valuable contributions to agriculture from those sources. He shall aid as far as possible in obtaining contributions to the museums, the library of the said college, and thus aid in the promotion of agriculture, science, and literature. He shall keep a correct account of all the proceedings of the Board, and an accurate account of all the moneys received into the Treasury as well as those paid out.

Distribution of seeds, plants, etc.

SEC. 10. The seeds, plants, trees, and shrubbery received by the Secretary, and not needed by the college, shall be, so far as possible, distributed without charge equally throughout the State, and placed in the hands of those farmers and others who will agree to cultivate them properly, and return to the Secretary's office a reasonable proportion of the products thereof, with a full statement of the mode of cultivation, and such other information as may be necessary to ascertain their value for general cultivation in the State. Information in regard to agriculture and metallurgy may be published by him from time to time in the newspapers of the State; *provided*, it does not involve any expense to the State.

SEC. 11. The Secretary shall report to the Legislature at every regular session thereof, and to the Governor of the State

on the first Monday in November in each year when the Legislature is not in session, which reports shall embrace all such statements, accounts, statistics, prize essays, and all other information relative to agriculture and mining in general, [and] proceedings of the State Board of Directors of the said college and farm, to be approved by the Board.

SEC. 12. The Secretary shall receive as a compensation for his services such a sum as the Board of Directors shall determine, paid quarterly from the State Treasury in the same manner as is provided by law for the payment of the salaries of State officers.

SEC. 13. The course of instruction shall embrace the English language and literature, mathematics, civil, military, and mining engineering, agricultural chemistry, mineralogy, metallurgy, animal and vegetable anatomy and physiology, the veterinary art, etymology, geology, technology, political, rural, and household economy, horticulture, moral and natural philosophy, history, bookkeeping, and especially the application of science and the mechanical arts to practical agriculture in the field and mining.

SEC. 14. The Board of Directors may at any time suspend the sessions of the college temporarily, in case of fire, the prevalence of fatal diseases, or other unforeseen calamity.

SEC. 15. The said Board of Directors shall have the general control and supervision of the said college, the farm pertaining thereto, and lands which may be vested in the college by State legislation, purchase, or donations; of all appropriations made by the State for the support of the same; and also the management of any lands that may be hereafter donated by the General Government to this State in trust for the promotion of industrial pursuits. The Board shall have plenary power to adopt all such ordinances, by-laws, and regulations, not in conflict with this Act, as they may deem necessary to secure the successful operation of the college and promote its designed object.

SEC. 16. It shall be the duty of the said Board of Directors to choose a President of the said college before the commencement of the first term of the institution. They shall proceed to choose such tutors, professors, and employés as the necessities of the institution demand. In case of a vacancy in the office of President, or in case a suitable man cannot be selected, the President of the said Board of Directors, or such member of the Board as shall be designated by them, shall be President pro tem of the college, who shall receive such compensation for his services as the Board shall determine.

SEC. 17. The President, professors of the college, when chosen, and tutors, shall constitute the Faculty of said college. The President of the College shall be President of the Faculty.

SEC. 18. The Board of Directors, with the advice and consent of the Faculty, shall regulate the course of instruction, prescribe the books to be used, and confer upon the graduates such testimonials as they may see proper.

SEC. 19. The Faculty shall pass all needful rules and regulations necessary to the government and discipline of the college, regulating the routine of labor, study, meals, and the duties and

Reports of
Secretary.

Compensa-
tion.

Course of
instruction.

Temporary
suspension
of sessions.

Directors to
have general
control,
make by-
laws, etc.

President.

Directors to
regulate
course of
instruction.

Faculty to
pass rules for
government

To have charge of laboratories, cabinets, etc.

exercises, and all such rules and regulations as are necessary to the preservation of morals, decorum, and health.

SEC. 20. The Faculty shall have charge of the laboratories, mineralogical cabinets, and metallurgical works, library, and museums of the institution.

Report of Faculty.

SEC. 21. The Faculty shall make an annual report by the first Monday in November of each year to the said Board of Directors, signed by the President, containing such information and recommendations as the welfare of the institution in their opinion demands. Any members of the Faculty may make a minority report, if they disagree with the conclusions of the majority, which the Faculty shall communicate to the Board. No communication at any other time, from members of the Faculty, shall be entertained by the Board, unless they have been submitted to a meeting of the Faculty, and sanctioned by a majority.

Chief executive officer.

SEC. 22. The President of the Faculty shall be the chief executive officer of the said college, and it shall be his duty to see that the rules and regulations of the State Board of Directors and the rules and regulations of the Faculty be observed and executed.

Superintendent of farm.

SEC. 23. The President of the college shall perform the duties of a professor. The Board of Directors shall appoint a Superintendent of the farm, and define his duties.

Subordinates to be under his charge.

SEC. 24. The subordinate officers and employés, not members of the Faculty, shall be under the direction of the Superintendent, and in the recess of the Board of Directors, removable at his discretion; and he may supply vacancies that may be thus or otherwise created. His action in these respects shall be submitted to the approval of the State Board of Directors at their next meeting.

Moneys for expenses.

SEC. 25. For current expenditures of the said college, specific sums of money shall be set aside in the hands of their Treasurer by the Board of Directors, which shall be subject to the warrants of the President of the Board, drawn in pursuance of the orders of the Directors. All moneys received from labor or other sources shall be paid into the Treasury of the college. All moneys due to the institution, or received in its behalf, shall be collected and received by the Secretary, and deposited by him with the Treasurer of the State Board of Directors, taking his receipt therefor. The Secretary shall, with his annual report, render a full and complete account of all moneys received, and all warrants drawn on the Treasurer by him as Secretary of the Board, and shall file and preserve all vouchers, receipts, correspondence, or other papers relating thereto.

Scientific and practical experiments to be made.

SEC. 26. When the institution shall be brought to such a condition of maturity as to promise satisfactory results, the Board of Directors shall make such rules and regulations as they may deem necessary in relation thereto, and the Faculty shall cause such comparisons, tests, trials, and experiments, scientific and practical, to be made as may in their opinion conduce to the instruction of the students and the progress of agriculture and mining, and shall cause the results to be published in the annual reports.

Location.

SEC. 27. The said college shall be located in such portion of the State as the Board of Directors shall determine. Said Board

of Directors at their first meeting shall invite proposals, by the publication for the period of two months, for donations of land, money, or buildings from counties, cities, or individuals, to be given to said college in consideration of its being located by the Directors at any place designated by the donors; and the said Board, after a careful investigation of all proposals made, shall determine the location with particular reference to accessibility and adaptability of climate and soil; *provided*, that the same shall not be united to or connected with any other institution of learning in this State.

SEC. 28. The said Board shall purchase or receive donations of land for a college farm, and cause to be erected thereon such buildings as they may deem necessary; *provided*, that any contract for building shall be let to the lowest bidder, after reasonable notice; and, *provided*, further, that the farm shall not be of less than one hundred and sixty acres of land.

SEC. 29. All interest accruing from the sale of one hundred and fifty thousand acres of land granted to this State by Act of Congress, A. D. eighteen hundred and sixty-three, and the interest that has accrued and may accrue from the sale of the seventy-two sections of land donated to the State for a seminary of learning, and all moneys arising from the sale of the ten sections granted to this State for the use of public buildings, together with all interest that has accrued or may accrue thereon, shall be subject to the order of the State Board of Directors.

SEC. 30. The college shall not in any manner whatever be connected with or controlled by any sectarian denominations.

CHAP. CCCCIX.—*An Act supplementary to and amendatory of the various Acts regulating elections, and to repeal certain laws on the subject.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of the Act entitled an Act to amend an Act to regulate elections, passed March twenty-third, one thousand eight hundred and fifty, approved April twentieth, eighteen hundred and sixty-three, is amended so as to read as follows:

Section 6. It shall be the duty of the Board of Supervisors to give at least ten days notice thereof, by posting at each place of holding elections in their county a copy of such proclamation, together with the constitutional provision defining the qualifications of voters, and the twenty-ninth section of the Registry Act, the last clause of said section excepted, and to insert the same in some newspaper published in the county, if any be published therein.

Sec. 2. It shall be the duty of each member of the Board of Judges of Elections to be at the place where the polls of his pre-

Duties of Judges of Election. cinct are to be opened from eight o'clock in the morning until sunset on the day when any election is to be held by authority of law; and the place of any such member not appearing at eight o'clock in the morning of said day may be temporarily supplied by any qualified voter of the precinct, to be appointed by the member or members then in attendance, the appointee to act until the arrival of the absent member whose place he supplies. The Board of Registration, before the opening of the polls, and the Board of Judges of Elections afterwards, shall have power to appoint the necessary Clerks, not exceeding two, to aid them in the discharge of their duties, which Clerks shall each be sworn by some member of the Board faithfully to discharge their duties according to law. The Clerk of Elections shall be Chairman of the Board of Judges of Elections, and shall have power to appoint for the day a qualified elector to fill any vacancy occurring in the Board by the absence of any member after the polls are opened; and if the Clerk of Elections be himself absent, his place may be temporarily supplied as aforesaid by the other member or members present. All persons appointed to fill vacancies shall, before entering upon their duties, take the proper oath of office.

Supervisors to appoint Alternates to fill vacancies in Election Boards. SEC. 3. In order to provide more fully for filling vacancies which may occur, either in the Board of Registration or the Board of Judges of Elections, by the temporary disability or absence of the Clerk or either of the Judges of Elections, the Board of Supervisors of each county, by an order to be duly entered on their records, shall appoint for each precinct therein, from among the qualified electors of the election district, (and to hold office for two years, unless sooner removed or superseded by said Board,) not less than three nor more than five Alternates, to be designated in such appointment as First, Second, Third, Fourth, and Fifth Alternate, (according to the number appointed,) each to have and take precedence accordingly in filling any such vacancy as aforesaid. At any stated meeting required by law to be held by the Board of Registration, and at the polls on election days, the place of any member of the Board of Registration or Board of Judges of Elections who shall be absent, may be filled by one of the said Alternates, each taking precedence, if more than one be present and offer to serve in any vacancy, according to the aforesaid number and precedence designated in their appointment. The mode of filling vacancies prescribed in the preceding section two, and that prescribed in the thirty-ninth section of the Registry Act, shall apply only to such vacancies as may exist when there is no Alternate present and consenting to supply it. Every Alternate, before officiating in place of a member of the Board, shall take the same oath of office as is required of such member. The provisions of this section shall not be deemed to modify or interfere with those of the fourteenth section of the Registry Act about permanently filling vacancies in the cases therein mentioned.

Manner of receiving votes. SEC. 4. Whenever any person presents himself at the polls and offers to vote at any election authorized by law, the Clerk of Elections or one of the Judges shall pronounce his name in an audible voice, so that it may be distinctly heard by the other Judges and the Clerks present; and if his name be found enrolled

on the poll list, and his vote be not rejected on objection made and proofs taken, for one or more of the causes prescribed in section twenty-nine of the Registry Act, shall receive his ballot, and in the presence of the other Judges, put the same, without being opened or examined, into the ballot box.

SEC. 5. The Board of Judges of Elections and each officer and member thereof shall have power in the discharge of their or his functions to administer oaths, and take and certify affidavits, and to examine on oath any person touching his right or qualification to vote, or touching such right or qualification of any other person; and the vote of every person shall be rejected who shall refuse to be sworn or to answer any pertinent questions touching his own right and qualification to vote as aforesaid; and any person refusing to be sworn or to answer any pertinent questions affecting the right and qualification of any other person to vote when lawfully required by said Board of Judges, shall be deemed guilty of a misdemeanor.

SEC. 6. At every election, and at each precinct, the Board of Judges of Elections shall cause to be kept, separately and distinct from the poll list, a list of all persons who shall have actually voted at such election; on which list shall be set down the names of all voters, successively, as soon as they shall have been admitted to vote and their ballots have been received, the names being numbered with successive numbers, placed at the left hand, and placing in a column directly opposite and to the right of each name the proper number prefixed to such name as it stands enrolled on the poll list. This list shall be known as the "List of Voters," and shall be attached to the duplicate poll list, with the tallies and other papers constituting and known in law as the "Election Returns," to be returned to the County Clerk of the county in which the election is held, as now provided by law; *provided*, that the State Board of Registry shall have power to dispense with this list if, in the judgment of said Board, it should be found unnecessary and inconvenient in practice.

SEC. 7. The necessary printed blanks for poll lists, tally lists, lists of voters, oath, and certificate of returns required by law to be made by election officers, shall be provided and furnished in due and proper time by the Board of Supervisors of each county for each election precinct therein, and be delivered to the proper officers thereof; and the expense of such blanks being first duly allowed and audited as other lawful demands are required to be, shall be paid out of the County Treasury; *provided*, that nothing herein contained shall be construed to repeal any of the provisions of the Act entitled an Act to authorize the printing and distribution of certain laws and blanks, approved March twenty-fourth, eighteen hundred and sixty-six.

SEC. 8. Every person who shall procure, aid, assist, counsel, or advise another to give or offer his vote at any general or special election, knowing that the person is not duly qualified to vote, shall, on conviction, be adjudged guilty of a misdemeanor, and punished by a fine of not less than fifty nor more than five hundred dollars, or imprisonment not less than two nor more than six months, or by both such fine and imprisonment as the Court may direct.

Judges of
Election can
administer
oaths.

Questions on
right to vote.

List of voters
to be kept.

Supervisors
to furnish
printed
blanks, etc.

Punishment
for procuring
person to
vote illegally

Laws
repealed.

SEC. 9. The following laws are hereby repealed: Sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, and thirty, of the Act entitled an Act to regulate elections, passed March twenty-third, eighteen hundred and fifty; also, the fifth, sixth, seventh, and eighth sections of the Act amendatory thereof, passed April twenty-sixth, eighteen hundred and fifty-one; also, sections five and six of the Act entitled an Act to amend an Act to regulate elections, passed March twenty-third, eighteen hundred and fifty, approved April twenty-seventh, eighteen hundred and fifty-five; also, the Act entitled an Act to amend an Act entitled an Act to regulate elections, passed March twenty-third, eighteen hundred and fifty, and the several Acts amendatory thereof and supplemental thereto, approved April twenty-seventh, eighteen hundred and sixty-three; also, the Act entitled an Act amendatory of and supplementary to an Act passed March the twenty-third, Anno Domini eighteen hundred and fifty, to regulate elections, approved April fourth, eighteen hundred and sixty-four; also, the Act entitled an Act to provide for furnishing, in printed form, the poll and tally lists papers for election returns, approved April first, eighteen hundred and sixty-four.

CHAP. CCCCX.—*An Act to authorize D. N. McBeth, Sheriff of Alpine County, to execute certain deeds.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority to make deed. SECTION 1. It shall be lawful in all cases of sales of real estate made by the Sheriff of Alpine County, in his capacity as Sheriff of said county, prior to the first Monday of March, eighteen hundred and sixty-six, for D. N. McBeth, the present Sheriff of said county, to make, execute, and deliver a good and sufficient Sheriff's deed or deeds to the purchaser or purchasers or their assigns of said real estate so purchased, when the time for redemption shall have expired, and said purchaser or purchasers, or his or their assigns, shall be entitled by law to a Sheriff's deed, and said deed or deeds when so made, executed, and delivered by said D. N. McBeth, Sheriff of Alpine County, shall have the same force, virtue, and effect in law as though the same had been made, executed, and delivered by the person who made the sale or sales, and who was Sheriff of said Alpine County at the time of making such sale or sales.

SEC. 2. This Act shall take effect and be in force from and after its passage, and shall continue in force until the first Monday of March, eighteen hundred and sixty-eight; provided, the said D. N. McBeth continues to act as Sheriff of said Alpine County.

CHAP. CCCCCXI.—An Act to amend an Act entitled an Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. Messrs. E. S. Holden, Austin Sperry, A. J. Spencer, William M. Baggs, T. R. Anthony, Newton Booth, and N. D. Popart are hereby constituted a Board of Directors of the Insane Asylum of California, and shall hold their office until their successors, who shall be elected by the Legislature in joint convention, and whose term of office shall be four years, shall be elected and qualified. At said election such choice shall be made that the Board of Directors shall always consist of four citizens of the City of Stockton or vicinity, and one citizen of each of the Congressional Districts of the State of California. They shall be divided into two classes, in the order of their names; the first, second, and third named shall go out of office at the expiration of two years from the passage of this Act, and the fourth, fifth, sixth, and seventh named shall go out of office at the expiration of four years from the passage of this Act. In case of a vacancy in said Board occurring when the Legislature is not in session, said Board may fill said vacancy until the next assembling of the Legislature, and then the Legislature shall proceed to fill said vacancy for the unexpired term only.

SEC. 2. Section four of said Act is hereby amended so as to read as follows:

Section 4. The Directors shall not be directly or indirectly interested in any contract or contracts for supplies furnished said Asylum, but shall receive as their compensation the sum of ten dollars per day for their services in attending monthly or called meetings of said Board, and such mileage as is provided by law for members of the Legislature of this State, payable out of any moneys set apart by law for the use and benefit of said Asylum, as other bills and accounts against the Asylum are paid; *provided*, the amount so received as per diem compensation for services shall not exceed the sum of one hundred and thirty dollars per year to each Director.

SEC. 3. Section nineteen of said Act is hereby amended so as to read as follows:

Section 19. A tax of three cents upon each one hundred dollars value of taxable property is hereby levied and directed to be collected and paid for the year eighteen hundred and sixty-six and the year eighteen hundred and sixty-seven, for Insane Asylum purposes, upon the assessed value of all real and personal property in this State not by law exempt from taxation; and the said tax levied under the provisions of this Act shall be paid in legal coin of the United States, or in foreign coin at the

Proviso.**Supervisors
to add this
tax to those
already
levied.****How money
shall be ex-
pended.**

value fixed for such coin by the laws of the United States. The money collected under the special tax herein provided shall be expended in the erection of additional buildings and other improvements in connection with the present buildings; and the Controller of State is hereby authorized and directed to draw his warrants on the Treasurer of State in favor of the Directors of the Asylum in such sums as may be required of him from time to time by said Directors; *provided*, that said warrants do not exceed in the aggregate the sum that shall be collected and paid into the Treasury under the provisions of this Act; and, *provided*, further, that the Board of Supervisors of each of the several counties of this State are hereby required, at their meetings to be held on the first Monday of May, Anno Domini eighteen hundred and sixty-six, if they have not already done so, to add to the amount levied by law on each one hundred dollars of taxable property, real and personal, for either State or county purposes, the ad valorem tax levied by this Act; and the tax so levied is hereby made a lien against the property so assessed, which lien shall attach on the first Monday of May, eighteen hundred and sixty-six; and the Board of Supervisors of each of the several counties of this State are hereby required at their meetings on the first Monday of March, Anno Domini eighteen hundred and sixty-seven, to add the ad valorem tax levied by this Act to the other taxes then levied, and said tax shall become a lien against the taxable property of this State for the year eighteen hundred and sixty-seven.

SEC. 4. Section twenty of said Act is hereby amended so as to read as follows:

Section 20. The moneys collected under the special tax herein levied shall be expended for the purposes herein specified, under the direction of the Board of Directors of said Asylum; *provided*, that they shall be assisted in devising plans of improvements by the Resident Physician of said Asylum.

SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCCXII.—An Act to amend an Act entitled an Act to grant the right to construct a turnpike road from Doshe's Store, in Ione Valley, to the Town of Jackson, in the County of Amador, approved March twenty-first, eighteen hundred and sixty-three.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

**Conditional
franchise.**

Section 2. The said company shall have full power to build and maintain a public turnpike road leading from Ione City to the Town of Jackson, in the County of Amador, and have and

enjoy all the rights, privileges, and immunities thereto appertaining, and shall have the right of way, which is hereby ceded and granted to said company for the term of twenty years; and the State enters into these covenants and makes these grants and guarantees these rights and privileges, upon express conditions that said turnpike road shall commence at or near Walker's Store, in said Lone City; running thence to the said Town of Jackson, along the route or line of survey made during the summer or fall of eighteen hundred and sixty-two, by J. V. H. Safford, or as near thereto as practicable; and that the grade of said turnpike road shall not exceed five and a half feet to the one hundred; and said company shall build all bridges and culverts that may be necessary on said turnpike road; and that within six months after the passage of this Act the said company shall commence and within three years and six months shall complete the said turnpike road, bridges, and culverts.

SEC. 2. Section three of said Act is hereby amended so as to read as follows:

Section 3. The Act of May twelfth, eighteen hundred and fifty-three, authorizing the formation of corporations for the construction of plank and turnpike roads, and the Acts amendatory thereof and supplementary thereto, are hereby extended and made applicable to said Lone City and Jackson Turnpike Road Company, when not in conflict with the provisions of this Act. Act made applicable.

SEC. 3. Section five of said Act is hereby amended so as to read as follows:

Section 5. The said company, upon the completion of five ~~tolls~~ miles of said turnpike and the bridges thereon, commencing at said Lone City, shall be authorized to charge and collect such rates of fare or toll as the Board of Supervisors of Amador County may establish; and upon the completion of the remainder of said turnpike road, shall be authorized to charge and collect such rates of fare or toll on the whole of said turnpike road as the Board may annually fix; *provided*, such rates shall not be so reduced during the first ten years after the completion of said turnpike road as to produce an income of less than fifteen per cent per annum upon the cost of constructing said turnpike, bridges, and culverts, over and above the expenses of collection, and keeping said turnpike, bridges, and culverts in repair; and, *provided*, further, that no toll gate shall be established within one half mile of said Lone City.

SEC. 4. Section seven of said Act is hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXIII.—An Act to appropriate money to pay the outstanding Indian War Bonds issued by the State of California under an Act of the Legislature, approved May third, one thousand eight hundred and fifty-two, and Acts supplementary thereto.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of thirty-two thousand five hundred dollars in the legal tender notes of the United States is hereby appropriated out of any money in the General Fund not otherwise appropriated, to pay the outstanding Indian War Bonds and interest thereon, issued under an Act of the Legislature of the State of California, approved May third, one thousand eight hundred and fifty-two, and Acts supplementary thereto, which are numbered, dated, and are for the amounts hereinafter stated, to wit:

Numbers and amounts of bonds to be paid.

Numbers two hundred and ninety-seven, (297,) two hundred and ninety-eight, (298,) two hundred and ninety-nine, (299,) three hundred, (300,) and three hundred and one, (301,) dated January fifth, one thousand eight hundred and fifty-four, for one hundred dollars each.

Number three hundred and three, (303,) dated January seventeenth, one thousand eight hundred and fifty-four, for one hundred dollars.

Number three hundred and four, (304,) dated January nineteenth, one thousand eight hundred and fifty-four, for one hundred dollars.

Numbers three hundred and seven, (307,) three hundred and eight, (308,) and three hundred and nine, (309,) dated January twenty-seventh, one thousand eight hundred and fifty-four, for one hundred dollars each.

Number three hundred and ten, (310,) dated January thirtieth, one thousand eight hundred and fifty-four, for one hundred dollars.

Numbers three hundred and eleven, (311,) three hundred and twelve, (312,) and three hundred and thirteen, (313,) dated January thirty-first, one thousand eight hundred and fifty-four, for one hundred dollars each.

Numbers three hundred and fourteen (314) and three hundred and fifteen, (315,) dated February first, one thousand eight hundred and fifty-four, for one hundred dollars each.

Number three hundred and sixteen, (316,) dated February seventh, one thousand eight hundred and fifty-four, for one hundred dollars.

Number three hundred and seventeen, (317,) dated February eighteenth, one thousand eight hundred and fifty-four, for one hundred dollars.

Numbers three hundred and eighteen, (318,) three hundred and nineteen, (319,) three hundred and twenty, (320,) and three hundred and twenty-one, (321,) dated February twenty-eighth, one thousand eight hundred and fifty-four, for one hundred dollars each.

Numbers three hundred and twenty-two (322) and three hundred and twenty-three, (323,) dated March twenty-second, one thousand eight hundred and fifty-four, for one hundred dollars each.

Numbers three hundred and twenty-seven (327) and three hundred and twenty-eight; (328,) dated March twenty-ninth, one thousand eight hundred and fifty-four, for one hundred dollars each.

Number three hundred and thirty, (330,) dated March thirty-first, one thousand eight hundred and fifty-four, for one hundred dollars.

Number three hundred and forty-three, (348,) dated April twelfth, one thousand eight hundred and fifty-four, for one hundred dollars.

Numbers three hundred and fifty-one (351) and three hundred and fifty-two, (352,) dated April twentieth, one thousand eight hundred and fifty-four, for one hundred dollars each.

Numbers three hundred and sixty, (360,) three hundred and sixty-one, (361,) three hundred and sixty-two, (362,) three hundred and sixty-three, (363,) three hundred and sixty-four, (364,) three hundred and sixty-five, (365,) three hundred and sixty-seven, (367,) three hundred and sixty-eight, (368,) and three hundred and sixty-nine, (369,) dated April twenty-eighth, one thousand eight hundred and fifty-four, for one hundred dollars each.

Number three hundred and eighty-two, (382,) dated June fifth, one thousand eight hundred and fifty-four, for one hundred dollars.

Number three hundred and eighty-five, (385,) dated July twentieth, one thousand eight hundred and fifty-four, for one hundred dollars.

Numbers three hundred and eighty-seven, (387,) three hundred and eighty-eight, (388,) and three hundred and eighty-nine, (389,) dated July thirty-first, one thousand eight hundred and fifty-four, for one hundred dollars each.

Numbers three hundred and ninety-two (392) and three hundred and ninety-three, (393,) dated August eleventh, one thousand eight hundred and fifty-four, for one hundred dollars each.

Number three hundred and ninety-five, (395,) dated August twenty-fourth, one thousand eight hundred and fifty-four, for one hundred dollars.

Number three hundred and ninety-six, (396,) dated August twenty-sixth, one thousand eight hundred and fifty-four, for one hundred dollars.

Number three hundred and ninety-seven, (397,) dated September second, one thousand eight hundred and fifty-four, for one hundred dollars.

Number three hundred and ninety-nine, (399,) dated September fourteenth, one thousand eight hundred and fifty-four, for one hundred dollars.

Number four hundred and eight, (408,) dated December thirtieth, one thousand eight hundred and fifty-four, for one hundred dollars.

Number four hundred and twenty-eight, (428,) dated May

Numbers and amounts of bonds to be paid. eighteenth, one thousand eight hundred and fifty-five, for one hundred dollars.

Number four hundred and twenty-nine, (429,) dated August fourteenth, one thousand eight hundred and fifty-five, for one hundred dollars.

Number four hundred and thirty, (430,) and four hundred and thirty-one, (431,) dated January first, one thousand eight hundred and fifty-seven, for one hundred dollars each.

Number four hundred and thirty-two, (432,) dated May eighteen, one thousand eight hundred and fifty-six, for one hundred dollars.

Numbers one hundred and six, (106,) and one hundred and seven, (107,) dated January fifth, one thousand eight hundred and fifty-four, for two hundred and fifty dollars each.

Number one hundred and eleven, (111,) dated January thirty-first, one thousand eight hundred and fifty-four, for two hundred and fifty dollars.

Number one hundred and twelve, (112,) dated February first, one thousand eight hundred and fifty-four, for two hundred and fifty dollars.

Numbers one hundred and fourteen (114) and one hundred and fifteen, (115,) dated February seventh, one thousand eight hundred and fifty-four, for two hundred and fifty dollars each.

Number one hundred and sixteen, (116,) dated February eighteenth, one thousand eight hundred and fifty-four, for two hundred and fifty dollars.

Number one hundred and seventeen, (117,) dated March twenty-second, one thousand eight hundred and fifty-four, for two hundred and fifty dollars.

Numbers one hundred and eighteen (118) and one hundred and nineteen, (119,) dated March twenty-ninth, one thousand eight hundred and fifty-four, for two hundred and fifty dollars each.

Number one hundred and twenty, (120,) dated March thirty-first, one thousand eight hundred and fifty-four, for two hundred and fifty dollars.

Number one hundred and twenty-seven, (127,) dated June fifth, one thousand eight hundred and fifty-four, for two hundred and fifty dollars.

Numbers one hundred and thirty-one, (131,) one hundred and thirty-two, (132,) and one hundred and thirty-three, (133,) dated July twenty-first, one thousand eight hundred and fifty-four, for two hundred and fifty dollars each.

Numbers one hundred and thirty-seven, (137,) and one hundred and thirty-eight, (138,) dated August seventh, one thousand eight hundred and fifty-four, for two hundred and fifty dollars each.

Number one hundred and forty-four, (144,) dated September second, one thousand eight hundred and fifty-four, for two hundred and fifty dollars.

Number one hundred and forty-eight, (148,) dated September fourteenth, one thousand eight hundred and fifty-four, for two hundred and fifty dollars.

Number one hundred and fifty, (150,) dated September fourteenth, one thousand eight hundred and fifty-four, for two hundred and fifty dollars.

Numbers one hundred and fifty-seven, (157,) and one hundred and fifty-eight, (158,) dated January fourth, one thousand eight hundred and fifty-five, for two hundred and fifty dollars each. Numbers and amounts of bonds to be paid.

Number one hundred and fifty-nine, dated August seventeenth, one thousand eight hundred and fifty-five, for two hundred and fifty dollars.

Number one hundred and sixty-five, (165,) dated May eighteenth, one thousand eight hundred and fifty-six, for two hundred and fifty dollars.

Number one hundred and sixty-nine, (169,) dated January first, one thousand eight hundred and fifty-seven, for two hundred and fifty dollars.

Numbers one hundred and seventy, (170,) and one hundred and seventy-one, (171,) and one hundred and seventy-two, (172,) dated April twenty-eighth, one thousand eight hundred and fifty-seven, for two hundred and fifty dollars each.

Numbers four hundred, (400,) four hundred and one, (401,) and four hundred and two, (402,) dated January fifth, one thousand eight hundred and fifty-four, for five hundred dollars each.

Numbers four hundred and four, (404,) and four hundred and five, (405,) dated January twenty-seventh, one thousand eight hundred and fifty-four, for five hundred dollars each.

Number four hundred and six, (406,) dated February twenty-eighth, one thousand eight hundred and fifty-four, for five hundred dollars.

Number four hundred and seven, (407,) dated March twenty-ninth, one thousand eight hundred and fifty-four, for five hundred dollars.

Number four hundred and eight, (408,) dated March thirty-first, one thousand eight hundred and fifty-four, for five hundred dollars.

Number four hundred and twelve, (412,) dated April fifteenth, one thousand eight hundred and fifty-four, for five hundred dollars.

Numbers four hundred and fourteen (414) and four hundred and fifteen, (415,) dated April twenty-eighth, one thousand eight hundred and fifty-four, for five hundred dollars each.

Number four hundred and seventeen, (417,) dated May thirteenth, one thousand eight hundred and fifty-four, for five hundred dollars.

And number four hundred and nineteen, (419,) dated July tenth, one thousand eight hundred and fifty-four, for five hundred dollars.

Bond number one hundred and forty-seven, for two hundred and fifty dollars, dated September fourteenth, one thousand eight hundred and fifty-four.

Bonds numbers four hundred and sixteen, four hundred and seventeen, four hundred and eighteen, [and] four hundred and nineteen, for two hundred and fifty dollars each, and dated August first, one thousand eight hundred and fifty-five.

Also, bonds numbered four hundred and ten, four hundred and eleven, and four hundred and twelve, for one hundred dollars each, and dated July ninth, one thousand eight hundred and fifty-five.

Also, bonds numbered four hundred and fourteen, four hun-

dred and fifteen, four hundred and twenty-five, four hundred and twenty-six, and four hundred and twenty-seven, for one hundred dollars each, and dated August first, one thousand eight hundred and fifty-five.

SEC. 2. All bonds mentioned in this Act shall be presented and surrendered to the Controller of State, whose duty it shall be to cancel and destroy the same; and upon such surrender the said Controller of State shall draw his warrants in favor of the persons so surrendering the same upon the State Treasurer for the full amount of such bonds and interest, the same to be paid in legal tender notes of the United States Government.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXIV.—*An Act granting power to the Board of Supervisors of the City and County of San Francisco to order certain street work to be done as therein specified.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Repairs, etc., in front of U.S. property SECTION 1. Whenever street work or grading of any street or part thereof may be deemed necessary by the Board of Supervisors of the City and County of San Francisco, on a portion of any street in front of any lot owned or possessed by the Government of the United States, said Board shall have power to order the whole or any portion of such street in front of any such lot to be graded, paved, planked, or repaired, any law to the contrary notwithstanding.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCXV.—*An Act to facilitate the collection of delinquent taxes in the City and County of San Francisco.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Publication of personal property delinquent tax list. SECTION 1. On the Saturday next preceding the second Monday in September of each year, the Tax Collector of said city and county shall have completed a list of the names, alphabetically arranged, of all persons, firms, corporations, and associations who have not paid the taxes for the current fiscal year on the personal property assessed to them, giving the name of each such person, firm, corporation, or association so delinquent for and owing such taxes, and giving opposite each name the gross amount due for such taxes and costs, inclusive of twenty-five

cents in each such case, which shall be charged and collected for the purpose of defraying the expenses of publication of said list. The said publication of said list shall be made by not less than one insertion, one time per week for three successive weeks, in such daily newspaper, or a supplement thereto, published in said city and county, and in such form as the Mayor, Auditor, and Tax Collector, or a majority of them may order, such order to be filed in the office of the Clerk of the Board of Supervisors; the first insertion herein provided for to be on or before the third Monday in said September. The said Tax Collector shall pay into the Special Fee Fund of said city and county each <sup>Payments
into Special
Fee Fund.</sup>

SEC. 2. On and after the first Monday in January in each year, the Tax Collector shall charge on all taxes on personal property then and for the then current fiscal year remaining unpaid five per cent thereof, which shall be in addition to all other costs and charges now by law imposed in such cases. The Tax Collector shall pay into the Special Fee Fund of said city and county all sums of money so collected by him as such five per cent. <sup>Addition of
five per cent
to tax.</sup>

SEC. 3. The Sheriff and each Constable in said city and county is hereby prohibited from releasing from levy and attachment any personal property on which any taxes are due and payable to the State and said city and county, or on which any such taxes by course of law have become a lien; also, from paying over to any creditor or other person the proceeds of sale or any portion thereof of any such personal property on which any such taxes are so due or have become a lien. <sup>Attachment
cannot be
released
until tax is
paid.</sup>

SEC. 4. The Treasurer of said city and county is hereby required to retain from any amount of money due and payable from said city and county to any person or persons owing and liable for any personal property or poll tax to the State, and said city and county, or either, and to pay over to the Tax Collector, such sum or amount as is due for such tax and costs; *provided*, the said Treasurer shall have been first served by the Tax Collector with a notice that such a tax is due, the amount thereof and costs being mentioned in such notice. An assignment of any demand on the Treasury shall in nowise defeat the object of this section. <sup>Treasurer to
retain tax.</sup>

SEC. 5. No order or decree for the distribution of any property of any decedent shall be made by the Probate Judge until the administrator or administrators, executor or executors, executrix or executrices, (as the case may be,) shall have filed in the Probate Court his, or her, or their good and sufficient affidavit that all personal property taxes due the State, and said city and county, that have attached to or accrued against the estate of such decedents have been fully paid. <sup>Estate to
pay tax
before distri-
bution.</sup>

SEC. 6. The District Attorney shall pay into the Special Fee Fund of said city and county all sums of money collected by him by law as District Attorney's fees in suits for the collection <sup>Payments
by District
Attorney.</sup>

Compensation. of delinquent personal property taxes, and the Board of Supervisors are hereby empowered to authorize by resolution to be paid out of the said fund such amount or amounts as they may deem necessary and proper for the payment for such professional aid to District Attorney as he may need and employ in such suits for the collection of delinquent personal property taxes; *provided*, such amount or amounts so authorized shall not exceed the sums of money so collected as District Attorney's fees, and paid into said fund by the said District Attorney.

Employers liable for poll tax of employees. SEC. 7. Whenever any person, party, firm, corporation, or association, shall have been served by the Tax Collector, or by a Deputy Poll Tax Collector, with a notice, written or printed, or both, that a certain person in his or their employ, and in such notice mentioned, has refused or neglected to pay a poll tax or poll taxes then due and payable, the amount so due and payable being mentioned in such notice, then and immediately such person, party, firm, or corporation, and his or their personal property, shall become liable and responsible for the amount so due, the same and equally as if the said person, party, firm, corporation, or association had originally and in the first instance owed and been responsible for such poll tax or poll taxes; *provided*, that such liability shall not exceed the amount due and owing from such person, party, firm, or corporation to such certain person mentioned in said notice; and, *provided*, also, that such person, party, firm, corporation, or association shall not be compelled to pay such poll tax or poll taxes until the expiration of five days after the date of service of such notice, inclusive of the day of service; and, *provided*, further, the names of a portion or all such certain persons, so owing poll taxes, and in one and the same employ, may be mentioned in one and the same notice.

Vessels liable to seizure and sale. SEC. 8. The interest of any person, a non-resident of this State, in any vessel registered in this State, whether such vessel be engaged in inland, foreign, or coastwise voyages and trade, or be unemployed, shall be liable to seizure and sale for non-payment of taxes on such interest, the same as if such interest was the property of a resident of this State.

Payment of less than the amount assessed. SEC. 9. Whenever, through error or design, any person shall have paid to the Tax Collector a less sum of money than was justly due on any certain piece or parcel of real estate in said city and county, as shown by the assessment roll, and shall have received therefor the Tax Collector's receipt, the sum so paid being mentioned in such receipt and such receipt purporting to be in full satisfaction of all the taxes due on such certain piece or parcel of real estate, while the assessment roll shows a greater amount than that mentioned in such receipt to have been due, then and in such case the Tax Collector may enter upon the said assessment roll, opposite the description of such certain piece or parcel of real estate, and to the credit of the person and property assessed, the amount or sum so paid and mentioned in such receipt, in which case he shall deposit in the Post Office in said city and county a notice of such short payment and credit, also of the amount of balance due, such notice to be addressed to the person or persons assessed, or to the person who so paid such less sum, and shall enter upon the assessment roll the date of such notice being so deposited in such Post

Office. The balance remaining due shall, if unpaid at the time the taxes become due on said certain piece or parcel of real estate for the next succeeding fiscal year, be added to such taxes for next succeeding fiscal year, and become in every respect, for all the purposes of collection, a portion, part, and parcel thereof, but when collected shall be entered and credited in a proper manner in the proper books of the fiscal year in which the same first became due, and to the credit of the person and property assessed.

SEC. 10. The tax sale for non-payment of taxes on real estate in said city and county shall in each year be holden either in or in front of the Tax Collector's office in said city and county, but during the progress of such sale may be adjourned from one to the other such place whenever, in the judgment of the Tax Collector, circumstances may render necessary such an adjournment.

SEC. 11. The delinquent tax list which the Tax Collector is by law required to cause to be published on or before the fourth Monday in November in each year, shall be published in such daily newspaper (or supplement thereto) published in said city and county, and in such form, in conformity to law, as the Mayor, Auditor, and Tax Collector, or a majority of them, may order; the order thereof to be filed in the office of the Clerk of the Board of Supervisors in said city and county.

SEC. 12. The Tax Collector shall not be required to regard any instructions given him as to what portion of any certain piece or parcel of real estate described in the delinquent list he shall sell for non-payment of taxes, unless such instruction is accompanied by an affidavit that the person giving and signing such instruction is the owner or owner in possession of such piece or parcel of land as assessed, or of the portion thereof embraced in such instructions, and unless such instructions and affidavit are filed in the office of the said Tax Collector prior to the day first set and advertised for the commencement of the tax sale for the then current fiscal year.

SEC. 13. The Tax Collector may require from each bidder at the tax sales such deposit as he may deem a sufficient earnest and guaranty of the good faith of the bidder, which deposit he may, at his option, return to such bidder or pay into the Special Fee Fund of said city and county in the event of such bidder becoming the purchaser and failing to pay the balance due in conformity to the provisions of law, or failing to pay the full amount of such purchase in accordance with the provisions of law.

SEC. 14. In the event of the sale for non-payment of taxes of any piece or parcel of real estate, through error, accident, or misapprehension, on which the taxes for the then fiscal year had been paid, or which by law was exempt from taxation, the Tax Collector shall place on special deposit with the Treasurer, subject to the order of the purchaser, the amount paid therefor by such purchaser, and shall file with the Auditor an affidavit, signed by himself, setting forth the facts and the reasons for such special deposit, and shall serve upon the purchaser aforesaid a notice of such deposit, if conveniently found, otherwise he shall deposit such notice in the Post Office in said city and

How balance
shall be
collected.

Place for
holding tax
sale.

Publication
of delinquent
tax list.

Instructions
to Tax Col-
lector sale.

Deposit.

Erroneous
sale of prop-
erty.

county. He shall also cause to be noted properly in the books of description in his office and the office of the County Recorder a condensed statement of the facts in relation to such proceedings and deposit, which shall be legal notice thereof.

SEC. 15. This Act shall take effect from and after its passage, but shall in nowise apply to or affect that class of personal property taxes known as mortgage taxes, and shall apply to the City and County of San Francisco only.

CHAP. CCCCXVI.—*An Act to provide for the construction of a county road in Marin County by the Supervisors of Marin County.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Right to construct road. SECTION 1. The right to construct and maintain a county road from the Town of San Rafael, Marin County, to the Town of Tomales, in Marin County, is hereby granted to said County of Marin, to be constructed as hereinafter provided.

Route. SEC. 2. Said road shall commence at San Rafael, in said County of Marin, at such point as shall be most advantageous to the people of said county, to be designated by the Board of Supervisors thereof, and proceed therefrom westwardly and northwardly by the most practicable and direct route in the direction of and to the said Town of Tomales, by the way of what is known as White's Hill and White's Rancho; and shall be in all respects a first rate wagon road, adapted to the purposes of transportation of merchandise on wagons and teams of all classes, with bridges, culverts, and other appurtenances necessary to the same. One or more engineers to lay out the line, grade, width, and curves of said road by the route herein provided, and of the kind indicated in this section, may be appointed by said Supervisors, to act under their general direction; and shall receive such reasonable compensation therefor as may be allowed by said Board of Supervisors.

Location and construction SEC. 3. It shall be the duty of said Board of Supervisors to locate and construct or cause to be located and constructed said road, either by contract or otherwise, following the general descriptive route, initial point, and terminus described in section two of this Act; and to that end full power is hereby granted to said Board of Supervisors to do and perform all acts necessary thereto and not inconsistent with the provisions of this Act; *provided*, that if the work or any part thereof be let by contract, it shall be to the lowest respectable [responsible] bidder, after at least ten days' advertisement in the newspaper of said county; no bid deemed too high shall be accepted by the Board, nor if the bidder fail to give satisfactory bonds.

SEC. 4. To provide for the payment of the expenses incurred in the construction of said road, the Board of Supervisors of Marin County shall have power and they are hereby empowered, author-

rized, and required, at their next regular meeting or at their ^{Levy of tax.} adjourned meeting to be held March fifth, one thousand eight hundred and sixty-six, or at a special meeting called for such purpose, to levy an additional property tax for the years one thousand eight hundred and sixty-six, one thousand eight hundred and sixty-seven, one thousand eight hundred and sixty-eight, and one thousand eight hundred and sixty-nine, for road purposes beyond that which they are already authorized to levy. Such additional property tax not to exceed twenty (20) cents on the one hundred dollars of taxable property in said county; which additional tax so levied shall be assessed and collected by the Assessor and Collector of Taxes of said county in the same manner and at the same time as the other taxes levied by said Board are authorized to be collected and enforced; and all moneys so collected shall be paid by said Collector to the County Treasurer of said county, who shall set aside the same and denominate it the "San Rafael and Tomales County Road Fund," which said fund shall be, under the direction of said Board of Supervisors, applied to the payment of the necessary expenses of surveying and constructing said road, and other necessary expenses of said road, and shall not be used for any other purpose.

SEC. 5. Said Board of Supervisors are hereby authorized and required, at their regular meetings in each year (at which the taxes of the county are levied) to continue to levy such additional property tax not exceeding twenty cents on the one hundred dollars of all the taxable property in said county until said road is fully completed and paid for. ^{Tax to be levied annually.}

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCCXVII.—*An Act to amend an Act entitled an Act to grant the right to improve the navigation of Petaluma Creek, approved April eleventh, eighteen hundred and fifty-nine, to extend the time for the completion of the improvements, and provide for the payment thereof.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time allowed by an Act entitled an Act to grant the right to improve the navigation of Petaluma Creek, approved April eleventh, eighteen hundred and fifty-nine, and by the Act entitled an Act to extend the time to the City of Petaluma and assigns to improve the navigation of Petaluma Creek, approved March eighth, eighteen [hundred] and sixty-one, is hereby extended three years from and after the time fixed by the last of said Acts. ^{Extension of time.}

Sec. 2. Section one of the Act entitled an Act to grant the right to improve the navigation of Petaluma Creek, approved April eleventh, eighteen hundred and fifty-nine, is hereby amended so as to read as follows:

Franchise. Section 1. The City of Petaluma or assigns shall take, have, possess, and enjoy all the right of way, franchise, and immunities hereinafter mentioned, and have full power to open and improve the navigation of Petaluma Creek, in the County of Sonoma, commencing at a point on said creek not exceeding one mile below Lakeville Landing, and running to Bridge street, in the City of Petaluma, by cutting canals across the points of land of said creek, and by constructing and building a lock or locks, dam or dams, in or across said creek or canals, by which the navigation thereof may be improved, and have and enjoy all the rights, privileges, and immunities arising therefrom.

SEC. 3. Section two of said Act is amended so as to read as follows:

Dimensions of canal and locks. Section 2. The aforesaid improvements shall be of such a nature as to accommodate all vessels adapted to the navigation of the said Petaluma Creek; and the aforesaid canals, when completed, shall be no less than ninety feet wide at the top and seventy-five feet at the bottom, and not less than six feet deep below the surface of average high water; each lock to be constructed in a good and substantial manner, of good material, and shall be at least sixty feet wide and two hundred feet long.

SEC. 4. Section four of said Act is hereby amended so as to read as follows:

Term of franchise. Section 4. The said canals and locks, and all the rights, privileges, and immunities herein granted, shall be the property of the City of Petaluma, or its assigns, for the term of fifteen years from the completion thereof.

SEC. 5. Section five of said Act is hereby amended so as to read as follows:

Tolls. Section 5. The said City of Petaluma, or assigne, shall have the right for fifteen years after completion, the power to collect such rates of toll upon vessels passing through said locks or canals as may be hereafter authorized by Act of Congress, not to exceed seven cents per ton, the tonnage of such vessels to be computed by their registration. The Trustees of said city shall fix the rates of toll by ordinance, and shall from time to time appoint and select suitable persons and agents to collect such tolls from vessels liable to pay the same, and to take care of and superintend said locks and canals; and said Trustees shall have power to remove all such persons and agents whenever it shall seem fit. The Trustees of said city shall also regulate and determine the manner and speed of all vessels passing through said locks or canals; and the owners of said vessels violating such rules or regulations shall be liable to pay such damages as shall be adjudged by a Court of competent jurisdiction. Said Trustees shall at all times keep posted in some conspicuous place near the entrance of said locks or canals, the rates of toll and the regulations in regard to the speed allowed in passing through the same, and shall always have the said locks and canals in good working order, and constantly attended by a sufficient force to open the locks for the accommodation of all vessels wishing to pass through.

Regulations. SEC. 6. It shall be the duty of the Trustees of the City of Petaluma to cause to be made estimates, plans, and specifications for the construction of said locks and canals, and to cause

Contract for work.

a notice to be published for at least one month in one newspaper published in said City of Petaluma, and one in San Francisco, that on a certain day, to be named in said notice, which day shall not be later than July first, eighteen hundred and sixty-six, they will receive proposals in writing for the construction of said work, and on the day so named said proposals shall be opened in the presence of said Trustees, and they shall award the contract for said work to the lowest and best bidder; *provided*, that such contractor shall give bond with good and sufficient security to the satisfaction of the Trustees for the faithful performance of his work.

SEC. 7. The Trustees of said City of Petaluma, in order to ^{Issuing of bonds.} pay for said work, shall cause to be issued bonds of said city to an amount not exceeding fifty thousand dollars, payable in gold coin in fifteen years from date, with interest, also payable in gold coin semi-annually, at the rate of seven per cent per annum. Said bonds shall be of the denomination of one hundred dollars each, with interest coupons attached. Each bond shall be signed by the President and countersigned by the Clerk of the Board of Trustees.

SEC. 8. After the issuing of said bonds there shall be assessed, ^{Levy of tax.} levied, and collected each year, at the same time and in the same manner and by the same officers as the ordinary city taxes are assessed, levied, and collected, a special tax of not less than one fourth and not more than one half of one per cent upon the taxable (real and personal) property in said city. All the moneys ^{Sinking Fund.} collected from said special tax shall be paid over to the City Treasurer in gold coin, and shall by him be kept in a separate fund, to be known as the "Sinking Fund," and all moneys in the Sinking Fund shall be paid out only in the manner herein-after directed.

SEC. 9. All moneys collected from tolls on vessels shall be ^{Canal Fund.} paid by the person collecting the same, at least once in each week, to the Treasurer of said city, and shall by him be kept in a separate fund, to be known as the "Canal Fund." The moneys in said fund shall be appropriated and paid out for the following purposes, and for no other:

First—In paying the expense of keeping said locks and canals ^{Payment of expenses.} in suitable order and repair, and the wages of the employés, office, and servants employed therein;

Second—In paying the semi-annual interest on the bonds by this Act authorized to be issued; *provided*, that whenever there shall be any surplus in said fund more than sufficient to pay the amount of interest then due, such surplus may be transferred into the Sinking Fund.

SEC. 10. Whenever there shall be in the Sinking Fund the ^{Redemption of bonds.} amount of two thousand dollars and upwards, the City Treasurer shall give notice by publication in some newspaper in said city for one month, for proposals for the redemption of the bonds by this Act authorized to be issued; said notice shall state the time, and place, and manner of receiving such proposals, and the time and place when the same will be opened. The City Treasurer shall, at the time and place named in said notice, proceed to open the proposals in the presence of one or more of the City Trustees, and shall pay the amount named in said notice pro

rata, in payment of bonds on which the greatest reduction is proposed by the holder thereof; *provided*, that in no case shall he pay more than the par value of said bonds; and whenever he shall give notice that there is an amount sufficient to pay all of said bonds then outstanding, such bonds shall cease to bear interest after the day named in said notice, and each bond so redeemed shall be cancelled by the Treasurer in the presence of the Trustees.

CHAP. CCCCXVIII.—*An Act to authorize the guardian of the minor children of John K. Osgood, late of the City and County of San Francisco, deceased, to sell and convey their real estate.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority
to sell.

SECTION 1. The guardian now or hereafter to be appointed of Nathalie Mary Osgood, Edith Rebecca Osgood, Amy Susan Osgood, E. Raymond Osgood, and John Kirby Osgood, minor children of John K. Osgood, late of the City and County of San Francisco, deceased, is hereby authorized and empowered to sell the real estate of the said minors, situated in the said City and County of San Francisco, or any part of said real estate, or any interest they or either of them may have therein, on such terms and in such manner, either at public or private sale, as to the said guardian may seem most advantageous to the interest of said minors.

Sales to be
approved by
Probate
Judge.

SEC. 2. No such sale or sales shall be valid until the same shall have been submitted to and approved by the Probate Judge of the City and County of San Francisco; and upon such sale, before the execution of conveyance, the said guardian shall file in the Probate Court of the said city and county such bond as said Judge may require, if any, conditioned for the due and proper application of the proceeds arising from such sale.

Bond.

SEC. 3. The said guardian, upon any such sale or sales being made and approved, and upon the filing of the bond as hereinbefore provided, if such bond shall have been required, may make, execute, and deliver good and sufficient deed or deeds of the conveyance of the premises sold to the purchaser or purchasers thereof, which shall operate to convey the interest of the said minors to the premises in the same manner and to the same effect as if the said minors had executed, acknowledged, and delivered such deed or deeds when of competent age and discretion for that purpose.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. CCCCXIX.—An Act creating a Board of Education for the City of Oakland.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be a Board of Education for the City of Oakland which shall consist of eight (8) members, who shall be chosen by the Council of said city for the present official year, after which they shall be elected at the annual charter election of said city officers. Four members shall be elected for the term of one (1) year, and four for the term of two (2) years; and at every election thereafter four members shall be elected annually for the term of two (2) years.

SEC. 2. Said Board of Education shall meet within ten days after their appointment or election, and after qualifying, as provided in section one hundred and eight, revised school law, eighteen hundred and sixty-six, shall elect one of their number President of the Board of Education, who shall also be Superintendent of Common Schools for said city.

SEC. 3. Said Board of Education shall also elect from their number a Clerk, who shall faithfully perform all the duties of his office as provided in section thirty-nine, revised school law.

SEC. 4. All moneys raised for common school purposes by State, county, or city, and apportioned to said city, shall be at the entire disposal of said Board of Education; *provided*, that no disbursements be made other than in the manner, and for the purposes, and under the restrictions set forth in the revised school law, eighteen hundred and sixty-six.

SEC. 5. Said Board of Education shall perform such duties and have such power as are set forth in said revised school laws.

SEC. 6. This Act shall take effect on the first day of May, eighteen hundred and sixty-six.

CHAP. CCCCXX.—An Act supplemental to an Act entitled an Act to provide for the incorporation of the City of Yreka, approved April twenty-first, one thousand eight hundred and fifty-seven, and an Act supplemental thereto and amendatory thereof, approved April twenty-eighth, one thousand eight hundred and sixty-eight.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All residents in the corporate limits of the corporation of "The inhabitants of Yreka City" are hereby exempted from the provisions of an Act entitled an Act concerning roads.

Partial exemption from Road Act.

and highways in the County of Siskiyou, approved March twentieth, one thousand eight hundred and sixty-six, except that part of section four of the above entitled Act, in the words following, to wit: "And the Board of Supervisors shall have power to levy a property tax of not less than five nor more than sixty cents on each one hundred dollars value of taxable property in the county for road purposes. The property tax for road purposes shall be assessed by the County Assessor, and collected and paid into the County Treasury by the County Collector at the same time and in the same manner as other county and State taxes," which shall be and remain in force.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCXXI.—*An Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of swamp and overflowed and salt marsh and tide lands donated to the State of California by an Act of Congress, approved May thirteenth, one thousand eight hundred and sixty-one, and all Acts supplemental to or amendatory thereof.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Levy of tax. SECTION 1. The Board of Supervisors of San Joaquin County are hereby authorized and empowered to levy a special tax of one dollar on each and every acre of real estate within the limits of Swamp Land District Number Seventeen, and one cent on each hundred dollars of valuation of improvements thereon, within said county.

Basis on which tax shall be levied. SEC. 2. The Board of Supervisors shall have power to meet and levy the tax provided for in section one of this Act at any time after the passage of this Act; and the tax so authorized to be levied shall be levied and collected on the same basis, to wit: on the same number of acres and the same valuation of improvements thereon as that certain tax levied by said Board for purposes of reclamation on the twenty-fifth day of February, eighteen hundred and sixty-three, as appears by the order of that date upon the minutes of said Board, upon the same land and improvements mentioned in section one of this Act, was levied.

Assessment roll, and payment. SEC. 3. The assessment roll, made out by the Assessor, and transmitted to the Tax Collector for the purposes of the collection of the tax referred to in section two of this Act, to wit: the tax levied February twenty-fifth, eighteen hundred and sixty-three, shall be and the same is hereby made the assessment roll for the purposes of the tax to be levied under this Act; and wherever the word "paid," and the date of such payment have been marked on said roll opposite the name of any person or the description of property thereon, the tax levied under this Act against such person or upon such property, shall be deemed and held to have been paid; and the same being the amount paid and collected of the tax levied as above mentioned, to wit: on

the twenty-fifth day of February, eighteen hundred and sixty-three, shall be considered and held as a part of the tax to be levied under this Act, and so much in payment thereof, and shall be so taken into account by the Tax Collector, Treasurer, Auditor, and all other officers, in their statements, receipts, and settlements required by law to be made.

Sec. 4. Within five days after the order is made levying the ^{Delinquent} tax provided for in this Act, or such further time as the Board ^{tax.} of Supervisors shall direct, the assessment roll herein referred to, duly sworn to by the Tax Collector, and certified by the Auditor as required by law, shall be placed in the hands of the District Attorney, and the same thereupon shall be the delinquent tax list under the tax to be levied in pursuance of this Act, and shall have the same effect and force as the delinquent list in the general law; and all persons and property against whom and upon which the tax levied under this Act shall not be construed to have been paid under the provisions of this Act, shall be deemed and held to be delinquents under the tax to be levied in pursuance of this Act.

Sec. 5. The provisions of an Act approved April eleventh, eighteen hundred and sixty-two, entitled an Act supplemental ^{Act made applicable.} to an Act entitled an Act to provide for the reclamation and segregation of swamp and overflowed and salt marsh and tide lands donated to the State of California by an Act of Congress, approved May thirteenth, eighteen hundred and sixty-one, and amendments thereto, are hereby made applicable to this Act so far as they do not conflict with the provisions of this Act.

Sec. 6. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXXII.—*An Act authorizing final judgments quieting title to lands in the City and County of San Francisco to be recorded.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Final judgments quieting titles to lands in the City ^{Judgments} and County of San Francisco, may be recorded in the office of ^{may be recorded.} the Recorder of the City and County of San Francisco in the same manner and at the same expense as deeds of conveyance are by law authorized to be there recorded. And from and after the time of so recording the same, they shall be deemed and held to impart notice to third persons as fully as though they were conveyances. Final judgments aforesaid heretofore recorded in said Recorder's office, if recorded in books of deeds therein, shall impart notice as aforesaid without necessity of recording the same a second time.

CHAP. CCCCXXIII.—*An Act to confirm a certain deed of the Public Administrator of the City and County of San Francisco.*

[Approved March 31, 1866.]

Preamble.

WHEREAS, On the nineteenth day of November, eighteen hundred and fifty-five, the Probate Court of the City and County of San Francisco duly issued letters of administration upon the estate of Victor Boucher, deceased, to Samuel Flower, then Public Administrator of said city and county; and whereas, afterwards, such proceedings were had in said Court in the course of said administration, that an order was duly made directing said Samuel Flower, Administrator, to sell a certain lot of land in said city and county situate on the southeast corner of Howard street and Beale street; and whereas, said lot having been so sold as directed, the sale was by said Court duly confirmed and the proceeds paid out in course of administration; and whereas, the term of office of said Samuel Flower having expired, and he ceased to act in said administration, said Court directed Robert C. Rogers, his successor in office, to make a deed of said land to Joseph C. Palmer, the purchaser at said sale, which was afterwards, to wit: on the eighteenth day of December, eighteen hundred and fifty-six, made and delivered, and is of record in the county records of said city and county, in Liber Sixty-Five of Deeds, page one hundred and twenty-four, and has since been sold by said Joseph C. Palmer to H. A. Cobb, Junior, and E. F. Palmer, by deed dated on the eighteenth day of December, eighteen hundred and fifty-six, and recorded in the County Recorder's Office of said City and County of San Francisco, in Liber Sixty-Two of Deeds, page seven hundred and forty; and whereas, it appearing that there is doubt as to the power of said Rogers to make said deed so as to convey said estate to said purchaser, and for the purpose of fully vesting said title and removing said doubts;

The People of the State of California, represented in Senate and Assembly, do enact as follows:

**Legalization
of deed.**

SECTION 1. That said deed, hereinbefore recited and referred to, is hereby ratified, confirmed, and made valid to all intents and purposes, both in law and equity, as fully and effectually as if made by said Samuel Flower, Public Administrator, under a proper and lawful order of said Court for that purpose, and its recording shall be notice to all persons.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXIV.—An Act to authorize the Board of Supervisors of Napa County to levy a tax to construct a fire engine house, and repair the engine in Napa.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Napa County are ~~Levy of tax.~~ hereby authorized and required, at their next regular meeting, and at their first regular meetings in the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight, to levy a tax not exceeding one half of one per cent on each one hundred dollars of the assessed value of all taxable property, both real and personal, of and in Napa City, including Cornwall's Addition to said Napa City; also including Thompson's Addition, commonly known as Napa Abajo, and Hill's Addition, and Brown, and Walker, and Russell's Addition to said city, for the purposes and uses hereinafter expressed.

SEC. 2. Said tax shall be collected in the same manner and ~~Collection.~~ at the same time with other taxes for State and county purposes, and the same regulations and laws that apply to the enforcement and collection of other taxes for general purposes shall apply and extend to taxes provided for in this Act.

SEC. 3. The moneys collected in pursuance of this Act shall ~~Application of moneys.~~ be under the direction and control of the Board of Supervisors of said county, and shall be by them expended for the purposes hereinafter expressed, and none other: For constructing cisterns within the limits of the property taxed; for erecting a brick or stone engine house; for purchasing new hose for the engine; and for keeping the hose and engine in good order and repair.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXV.—An Act supplementary to the various Acts imposing and regulating stamp duties in this State.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. No instrument, document, writing, or paper of any description required by law to be stamped, shall be deemed or held invalid for the want of the particular kind or description of stamp designated for and denoting the duty charged on any such instrument, document, writing, or paper; *provided*, a legal stamp or stamps denoting a duty of equal amount shall have been duly affixed and used thereon; and the Commissioners of Stamp Duties are hereby empowered and required, so soon as new seals or dies can be devised and made, to have the stamps prepared without designating the kind or description thereof;

Documents not invalid for want of particular kind of stamps.

New stamp dies. and to have the same made adhesive, and in other respects to have the same changed and improved as in their judgment they may deem proper; but said Commissioners shall only devise and cause to be made as many seals or dies, differing one from the other, as shall correspond to the following rates: that is to say, one seal or die for each of the following duties: four, eight, ten, fifteen, twenty, thirty, forty, fifty, sixty, seventy, and eighty cents; one dollar, one dollar and forty cents, one dollar and fifty cents; two, three, four, five, six, seven, eight, ten, fourteen, fifteen, nineteen, twenty, twenty-eight, thirty, thirty-eight, forty-five, and fifty-six dollars. The said dies shall be executed on steel, similar in shape and execution to that of the United States internal revenue stamps now in use.

Stamp tax imposed on paper for drafts, etc. SEC. 2. Section one of the Act entitled an Act amendatory of and supplementary to an Act entitled an Act to provide revenue for the support of the Government of this State, approved May ninth, eighteen hundred and sixty-one, approved April tenth, eighteen hundred and sixty-two, imposing certain stamp duties, is hereby declared to impose the tax therein specified on every sheet or piece of paper, or parchment, or other material upon which may be written in any kind of character, printed, engraved, lithographed, or telegraphed, any or either of the instruments therein named. And every bill of exchange, draft, order, certificate of deposit, or letter of credit, upon which a stamp duty is imposed by said section, and by this and the various stamp laws of the State, shall pay, if drawn singly or otherwise than in duplicate, the rates of duty as levied and specified in said first section of the Act of eighteen hundred and sixty-two; and if drawn in sets of two or more, for every bill or instrument of each set, shall pay one half the rates of duty therein levied and specified. This section shall not be construed as affecting in any manner the rates of duty imposed by said stamp laws upon certificates of admission to practice law, or policies of insurance, or passage tickets, or memorandums of passage.

On tele-graphic dis-patches in certain cases SEC. 3. No telegraph company, its agent, or employé, shall receive from any person, or transmit to any person, any dispatch or message, containing in form or substance any of the instruments upon which stamp duties are required to be paid, without an adhesive stamp denoting the duty imposed by this Act, and the various Acts imposing stamp duties, being affixed to a copy thereof or having the same stamped thereupon, and in default thereof shall incur a penalty of one hundred dollars, and be guilty of a misdemeanor; provided, that only one stamp shall be required, whether sent through one or more companies.

On foreign bills of ex-change when sold. SEC. 4. Every bill of exchange, draft, certificate of deposit, or written evidence of indebtedness, order—whether negotiable or otherwise—letter of credit to any person or persons, the same being dated, signed, or drawn out of this State, and payable in any other State, territory, or country, shall, on being offered for sale or sold within this State, be subject to stamp duty as fully as though dated, drawn, signed, and issued in this State; and the vendors of any such bills of exchange, drafts, certificates, orders, or letters of credit, who shall fail to affix thereto the proper stamp or stamps, in conformity with the provisions of this and the various stamp laws of this State, shall be liable to the fines

and penalties imposed by this Act and the various stamp laws, and especially by section nine of the Stamp Act of May ninth, eighteen hundred and sixty-one.

SEC. 5. The sum of five thousand dollars is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to purchase said new seals, and to carry out the provisions of this Act, and the same shall be expended under the supervision and control of said Commissioners.

SEC. 6. This Act shall not be construed as in any manner affecting the Act entitled an Act concerning the State revenue, approved April fourth, eighteen hundred and sixty-four, nor be construed as repealing any of the provisions of the various stamp laws of the State, except so far as the same are plainly inconsistent herewith.

SEC. 7. This Act shall take effect from and after its passage.

Appropriation for seals.

Does not repeal former Act.

CHAP. CCCXXVI.—*An Act to amend an Act entitled an Act to provide for funding the floating debt of the City of Marysville, and for the extinguishment thereof, and for other purposes, approved February eighth, eighteen hundred and fifty-six.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of said Act is amended so as to read as follows:

Section 6. Seven years from and after the passage of this Act, there shall commence to be collected, annually, and paid over by the Collector of the city to the Commissioners, in addition to and in the same manner as the interest is specified herein to be assessed and paid over, ten per cent upon the aggregate amount of the whole funded debt of the city as a Sinking Fund for the payment of the principal sum thereof at maturity; the same shall be devoted to the purchase of the stock, for which proposals shall be invited from the public, annually, with at least thirty days' notice, and the least offer of sale be accepted; *provided*, however, that no bid shall be accepted at a higher rate than par value, and if there shall be, after the purchase of the stock offered under said proposals, any surplus moneys remaining in the hands of the Commissioners, the said Commissioners are hereby empowered to purchase said stock or bonds without notice, and at any time to the best advantage, but in no case shall any purchase be made at a higher rate than par value; and if said stock cannot be purchased, the Commissioners may invest and re-invest, under good security, all moneys which shall come into their hands not required for the payment of interest, and said investment and re-investment shall continue until sufficient shall be in their hands to redeem said principal at maturity. If any portion of said stock or bonds shall be bought upon public bids, or at pri-

Sinking Fund, and redemption of bonds.

vate purchase, it shall be effectually cancelled and filed away in the office of the Commissioners; and whenever any of said stock or bonds shall be bought by a purchase other than by public bids, the said Commissioners shall file with the City Clerk a full statement, under oath, showing the amount of the stock or bonds purchased, the amount [paid] therefor, and of whom and when purchased. At the time when the principal of said stock becomes payable, the Commissioners shall devote the moneys in their hands to the redemption of the same, and shall pay over the surplus, if any, to the Treasurer of the City.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCXXVII.—*An Act to improve the navigation of the San Joaquin River.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise. SECTION 1. George Gray, Timothy Paige, T. W. Newell, H. S. Sargent, and T. B. Merry, of San Joaquin County, Williamson Turner, of Merced County, and James McCardle, of Fresno County, and R. H. Wilson, of Tulare, and their associates and assigns, are hereby authorized and empowered to remove snags, sunken or overhanging trees, rafts, or drifts, within or over the banks of that portion of the San Joaquin River lying between the confluence of French Camp Slough with said river, to Fresno City, the head of navigation, a distance of two hundred and fifty miles, more or less; and said grantees, their associates and assigns, shall be authorized to collect tolls on said river for the term of twenty years from and after the completion of the work, which shall be within three years from the approval of this Act.

Completion. SEC. 2. Said company shall have the right to enter upon any lands on the banks of said river with their teams while removing said obstacles, and to build locks, or wing dams, or bulkheads, wherever the same may be deemed necessary to facilitate the navigation of said river; to dig channels or cut-offs across points or bends of the river, when the navigation of the same may be improved by so doing, by paying the owners or occupants thereof whatever amount of damages they may sustain to growing crops or to their property by reason of building said locks or wing dams, said damage to be estimated by parties mutually chosen for that purpose.

Tolls on vessels and cargoes. SEC. 3. Upon the completion of fifty miles of the work on said river, said company shall have the right to charge tolls on all vessels of ten tons and upwards at the rate of (10) ten cents per ton, for one way only, with an additional rate of (10) ten cents per ton upon all cargo upon such vessel or vessels passing up or down, each way, such vessel to be liable in her hull, tackle, and furniture; and on a refusal to pay such toll when demanded

of the master, owner, or party in charge of such vessel, it may be sued for and recovered in any Court having competent jurisdiction in any county of this State, with costs of suit as in other cases.

Sec. 4. If any person or persons shall wilfully prevent the free navigation of said river by felling trees, or otherwise, he or they shall be liable to the party or parties injured thereby for all damages which such party or parties may sustain by reason of such obstructions, which damages may be recovered in any Court of competent jurisdiction, with costs of suit as in other cases.

Sec. 5. The said company are authorized to collect (10) ten cents per ton on all freight brought down the river on flatboats or rafts, and (10) ten cents per cord on all cord wood conveyed or transported down said river, whether on barges, steamers, or flatboats or rafts; *provided*, that on all wood of less than twelve cords in the aggregate carried by steamboats for fuel, no toll shall be charged or collected; on all freights of sawed lumber or frame timber, twenty cents for each one thousand feet thereof; and all steamers or other vessels towing up flatboats, barges, or other boats designed to carry down freight, ten cents per ton on capacity of said boats or barges; and all freight upon flatboats or barges shall be liable to the same tolls as if shipped on board a vessel of registered tonnage.

Sec. 6. On or before the first day of February, eighteen hundred and sixty-seven, the Board of Supervisors of each of the following counties, to wit: San Joaquin, Merced, and Fresno, shall each appoint one Receiver [Viewer] to examine the work when and at such time as the said company shall notify the said Boards of Supervisors respectively that said improvements to the navigation of the San Joaquin River are complete for a distance of fifty miles above the mouth of French Camp Slough; and if the said Viewers shall report the work correctly done and the navigation improved, or if a majority of them so report, the company shall have the right to levy and collect tolls as provided in sections three and five of this Act, from the date of the report of such Viewers, who shall be conveyed to view the works and improvements on a vessel provided by the company for that purpose.

Sec. 7. If said company shall not in three years have completed the clearing of said river between the points named so as to admit the passage of vessels of fifty tons at a moderate stage of water, then all rights and privileges granted in the foregoing sections of this Act shall be void.

Sec. 8. This Act shall be in force from and after its passage.

CHAP. CCCCCXXVIII.—*An Act to authorize James Miller, and N. J. Pishon, or their assigns, to keep, maintain, and operate a ferry across the Colorado River.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise. SECTION 1. James Miller, and N. J. Pishon, or their assigns, shall have the exclusive right to keep, maintain, and operate a ferry across the Colorado River, at a point west of the Town of La Paz, in the Territory of Arizona, and within one mile above and below said point, for the period of twenty years, and they shall have and enjoy for said period, for the purpose of maintaining and operating said ferry, all the rights and privileges conferred upon the proprietors of public ferries by the general laws of this State. They shall have the right to receive and collect such tolls as may be authorized by the Board of Supervisors of the County of San Diego, for the Colorado River, by means of said ferry, in sums not exceeding the following rates:

Tolls.

For each wagon or other vehicle drawn by two animals, four dollars.

For each additional animal, fifty cents.

For each carriage or other vehicle drawn by one animal, three dollars.

For every beast of burden, one dollar.

For each horse, mule, or other animal, with its rider, one dollar.

For every footman, fifty cents.

For loose horses, mules, jacks, or cattle, fifty cents each.

Boats to be kept.

SEC. 2. The said James Miller, and N. J. Pishon, or their assigns, shall, within eight months after the passage of this Act, provide and keep on said river, within the limits designated, a good and substantial boat or boats, sufficient for the transporting across said river with reasonable dispatch all persons with their property who shall apply therefor between daylight in the morning and dark in the evening. They shall keep in attendance a sufficient number of able and skilful ferrymen to operate said boat or boats.

Regulation of tolls.

SEC. 3. The Legislature at all times shall have the right to regulate and alter the tolls in this Act authorized to be collected; provided, said tolls shall not be reduced to less than one half the rates herein fixed.

Forfeiture.

SEC. 4. If the parties to whom this franchise is granted shall fail to provide the boat or boats and other facilities for crossing said river, as required by section two of this Act, the franchise herein granted shall be forfeit. The owner or owners of said ferry shall be liable under the general laws of this State for neglecting to perform the duties required of public ferries in the transporting of persons or property across said river.

SEC. 5. All Acts and parts of Acts in conflict with this Act are hereby repealed so far as they conflict with the provisions of this Act.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXXIX.—*An Act to authorize the Controller of State to issue duplicate warrant to John Gierl.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby authorized to issue to John Gierl, or to his heirs or assigns, a duplicate warrant Number Twelve Thousand Seven Hundred and Forty-Nine, in lieu of the original, being lost.

SEC. 2. Before said warrant shall be delivered to the person above named, or his legal representatives, the Controller shall demand and receive from him, or his heirs or assigns, a bond of indemnity in the penal sum of forty dollars, said bond being payable to the people of the State of California, conditioned against the appearance of the original warrant.

SEC. 3. The duplicate herein provided to be issued shall be to all intents and purposes as good, and all and every incident thereto shall be as effectual to all intents and purposes as though it was the original warrant, having the proper assignment thereon, and in all legal proceedings it shall have the same force and effect as the original would have were it existing; *provided*, that if the original warrant hereafter be found, the duplicate thereof herein directed to be issued shall be null and void to all intents and purposes whatever.

SEC. 4. This Act shall take effect immediately.

CHAP. CCCCXXX.—*An Act relative to the Board of Supervisors of Amador County, defining their powers and duties.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Amador County, when sitting as a Board of Equalization, shall meet on the second Monday in August, and shall continue in session from time to time until the business of equalization presented to them is disposed of; *provided*, however, they shall not sit more than ten days in any one year, and shall complete their labors on or before the second Monday in September, and while so assembled shall have power to determine all complaints made in regard to the assessed value of any property, and may change and correct any valuation, either by adding thereto or deducting therefrom, if

they deem the sum fixed in the assessment roll too small or too great, in all case of difference or dispute as to the assessed value of any property between the owner and Assessor.

Repeal. SEC. 2. That so much of section eight of an Act entitled an Act to provide revenue for the support of the Government of this State, passed April twenty-ninth, eighteen hundred and fifty-seven, and all other Acts subsequent thereto, as conflicts with the provisions of this Act, is hereby repealed so far as the same relates to Amador County.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXXXI.—*An Act to further regulate the collection of taxes in Sierra County.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Tax Collector to give notice. SECTION 1. The Tax Collector of said county shall on receiving the assessment roll from the County Auditor, send or deliver a written or printed notice to each person or firm whose name appears on said roll as owing taxes, which notice shall state the amount of tax due, (including fifty cents for such notice,) at what time the sum may be paid without further costs, and what additional costs will be incurred by failure to pay within period specified. If said tax be afterwards paid to the Tax Collector, and not otherwise, he shall be entitled to collect and receive to his own use the said sum of fifty cents from each person and firm by whom such notice has been received.

Fee. SEC. 2. On all taxes collected by him after the first Monday in October of each year, said Tax Collector shall be entitled to collect and receive to his own use, in addition to the fees and commissions now allowed him by law, five (5) per cent on the amount of said tax, to be collected from the person or firm owing and paying such tax.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXXXII.—*An Act to provide for changing the location of the California Institution for the Education of the Deaf, Dumb, and Blind.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Commissioners. SECTION 1. A. W. Saxe, I. P. Rankin, J. L. Downing, J. A. Benton, and Wm. Sherman, are hereby constituted a Board of Commissioners, to be known and styled "The Commissioners of

the Deaf, Dumb, and Blind Institute," and by that name they and their successors shall be known in law, may sue and be sued in any of the Courts of this State, and may receive and hold property, real and personal, for the use and benefit of the said Deaf, Dumb, and Blind Institute; *provided*, that in fixing the location, and in adopting the plan of the new buildings herein contemplated, the Board of Directors of said institute and Board of Commissioners under this Act shall act in conjunction, and with equal powers.

SEC. 2. Said Commissioners having qualified as hereinafter provided, are hereby authorized to take the necessary measures for securing a new location for such institution, and to that end, shall for one month advertise their readiness to receive proposals for the sale to them of lands for a new site, and they are authorized to negotiate for the transfer to the State of California for the use of said institution such lands as they may select for that purpose; *provided*, that all conveyances to the State for the purposes herein specified shall be in fee simple.

Sec. 3. The location is required to be elevated, healthy, airy, *Requisites.* and pleasant, within seventy-five miles of the City of San Francisco, and accessible by railway or steamboat, and shall comprise not less than twenty acres of fertile land, easily cultivated, supplied with an abundance of good water, and capable of an easy and unobstructed drainage.

Sec. 4. Said Board of Commissioners are hereby empowered to secure the purchase or transfer to the State of such land as they shall select, whether formally proposed or not as a site for such new institution, and they are authorized to sell to the best *Purchase and transfer of land.* possible advantage the present ground and buildings occupied for that purpose in the City and County of San Francisco, the proceeds of such sale to be expended on the purchase and improvements required at the new site; *provided*, possession shall not be given until the new institution shall be so far completed as to justify the removal of the pupils thereto.

Sec. 5. The Commissioners, together with the Principal of the institution shall, immediately after a good and sufficient title to the lands has been secured, proceed to lay out the grounds, select plans and particular sites for buildings, choose an architect, and advertise for proposals to erect all the necessary buildings, and making such other improvements as may be required; *Erection of buildings.* *provided*, however, that the entire cost, including grounds, buildings, furnishing, and improvements of every description, shall not exceed the amount realized from the sale of the present location and the sum of fifty thousand dollars, which is hereby appropriated, to be paid out of the State Treasury from any moneys not otherwise appropriated.

Sec. 6. Said Commissioners having advertised to receive proposals for one month, shall proceed to let contracts for material and work, according to the plans and specifications they shall have adopted, to the lowest responsible bidder or bidders who will give good and sufficient securities for the faithful performance of their contracts; and the time for the completion of all such contracts shall not be later than the first day of December, eighteen hundred and sixty-seven.

Bond. SEC. 7. Said Commissioners shall qualify by taking the usual oath of office, and by jointly and severally executing a bond, with such securities as shall be approved by the Governor of the State, in the penal sum of five thousand dollars each, conditioned on the faithful performance of the duties prescribed by this Act, and the Governor shall fill any vacancy that may occur in such Board of Commissioners, and they shall render to him a final report on or before the first day of December, eighteen hundred and sixty-seven.

Vacancies. SEC. 8. This Act shall take effect from and after its passage; and all acts or parts of Acts inconsistent with this Act shall be and the same are hereby repealed.

CHAP. CCCCXXXIII.—*An Act to authorize W. G. Hunt, L. M. Curtis, and others, to construct a lock in Cache Creek at or near the outlet of Clear Lake, in Lake County.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise. SECTION 1. L. M. Curtis, W. G. Hunt, E. R. Lowe, J. D. Longhenour, S. N. Mewing, J. A. Hutton, G. W. Woodard, H. C. Yerby, Charles Traver, N. Wyckoff, R. Day, N. Coomba, J. D. Stephens, William Gordon, and F. S. Freeman, and their associates, are hereby authorized to build and keep in repair a lock in Cache Creek at or near the outlet of Clear Lake in Lake County.

SEC. 2. Said company, after they shall have incorporated under the provisions of an Act to provide for the formation of corporations and the construction of canals, approved May fourteenth, one thousand eight hundred and sixty-two, shall have power and they are hereby authorized to build and maintain said lock at any point in said Cache Creek between Clear Lake and Fowler's Mills on said stream, and they and their heirs and assigns shall have and enjoy all the rights, privileges, and franchises thereof, together with the right of way, which is hereby ceded for the period of thirty years.

Obstructions SEC. 3. Said company is hereby authorized to remove any and all obstructions in said stream, and to excavate for the purpose of constructing said lock.

Supply and height of water. SEC. 4. After the completion of said lock, said company shall have the right to open the same so as to pass the water of said lake down said stream at such time and in such quantities as they may deem necessary so as to furnish a supply of water in said stream below during the dry season; *provided*, that said company shall not reduce the water in said lake by means of said lock during the months of July and August of each year more than one foot perpendicular measurement below a point where it usually stands in ordinary seasons in said months; and, *provided*, further, that said company shall not be allowed

to raise the water in said lake by means of said lock above a point where it usually stands.

SEC. 5. Said company shall have the right to control and use all the water which may be supplied to said stream below by means of said lock for irrigation and other useful purposes; *provided*, that any person shall have the free use of the water when it flows in said stream for stock water, and other domestic purposes; and, *provided*, further, that the franchise hereby granted shall not interfere with any prior franchise or vested right.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXXXIV.—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Stanislaus to take and subscribe twenty-five thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April seventeenth, eighteen hundred and sixty-three.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is amended so as to read as follows :

Section 1. It shall be the duty of the Board of Supervisors of the County of Stanislaus, if they deem the same expedient and a majority of said Board shall consent thereto, to take and subscribe fifty thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, or to the capital stock of any other railroad company that may hereafter be organized according to law by which railroad communication shall be formed between Stockton, in San Joaquin County, and Knight's Ferry, in Stanislaus County; *provided*, there shall be but one subscription of fifty thousand dollars made by said Board for such purpose.

Sec. 2. Section nine is amended so as to read as follows :

Section 9. It shall be the duty of the said Board of Supervisors, previous to the making out and delivery of the original assessment roll, as corrected by the Board of Equalization, to the Tax Collector of the county, in each year to levy a tax, to be styled an Interest Tax, sufficient to raise the amount of interest required to be paid each year on said bonds issued under the provisions of this Act; and previous to the making out and delivery of said roll of said county in the first year that any of said bonds are issued under this Act shall be paid and liquidated, the said Board shall, should it be necessary, levy a tax, not exceeding twenty cents on the one hundred dollars worth of taxable property of said county, for the purpose of raising a fund for the liquidation of said bonds, which shall be styled the "Loan Fund." The said tax shall be levied and collected in

*Levy of tax
for interest
and redemp-
tion.*

the same manner as the general taxes for county purposes, and when collected shall be paid in to the County Treasurer, who shall account for and deliver the same over to the said Loan Commissioners, to be applied by them as follows:

First.—The Interest Tax, to the payment of the interest falling due on said bonds;

Second.—The Loan Fund, to the redemption of said bonds, as provided in the Act of eighteen hundred and sixty-three, of which this Act is amendatory.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXXXV.—*An Act concerning roads and highways in the Counties of Klamath and Del Norte.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Road Overseers and deputies. SECTION 1. Each township in the Counties of Klamath and Del Norte shall constitute one road district, and each road district shall have one Road Overseer, who may appoint a deputy, for whose conduct he shall be responsible.

Election. SEC. 2. Road Overseers for the several districts in said counties shall be elected at the general election for the year eighteen hundred and sixty-seven, and every two years thereafter; they shall hold their offices for a term of two years from and after the first Monday in November next after their election, and the Road Overseers for the several districts who were elected at the general election for the year eighteen hundred and sixty-five shall serve in that capacity until their successors are elected and qualified; and the Board of Supervisors shall fill by appointment any vacancy that may occur in the office of Road Overseer in any road district in said counties.

Bond. SEC. 3. Any person elected or appointed Road Overseer shall, before entering on the duties of his office, take and subscribe to the usual oath of office, and shall execute a bond to the people of the State of California, with two or more sufficient sureties, in a sum double the probable amount of road moneys that will come into his hands, which said bond shall be approved by the Board of Supervisors, and shall be conditioned on the faithful performance of the duties of his office.

Refusal to perform labor. SEC. 4. All able bodied male persons between the ages of eighteen and sixty years shall be bound and liable to perform each year, on the roads and highways of their respective districts, two days' labor; and any person so liable and failing to perform the labor shall pay the sum of four dollars for the use and benefit of the Road Fund of the district where such labor was due.

Receipt for excess of labor. SEC. 5. When any person shall perform more than two days' labor on the highways in any one year, the Overseer of the district in which such labor shall be performed shall receipt to such

person for the extra amount of labor so performed, and such receipt shall be good and receivable for road dues for the year next ensuing.

Sec. 6. The Road Overseers shall warn and require all persons in their respective districts who by this Act are liable to road duty, to perform two days' labor on the roads and highways of the district; and they shall notify such persons of the time when and the place where such service will be required; and they shall superintend and direct such labor; and the Overseers shall cause all the roads and highways of their respective districts to be kept clear of obstructions and in good repair; shall cause banks to be graded, bridges and causeways to be made, and the same to be kept in good condition for the accommodation of travel; and shall cause guide boards to be erected at the intersection of roads, where the convenience of the travelling public may require the same; and shall have full power to contract for labor and materials necessary and proper for accomplishing these objects.

Sec. 7. To enforce the collection of the road tax due from any person who, on the requirement of the Overseer, shall have neglected or refused to perform two days' labor on the highways, the Overseer may seize so much of any and every species of property, right, possession, or claim belonging to such person so liable and refusing or neglecting to pay such road tax, or in the possession, or due from any other person, and belonging to such person refusing or neglecting to pay such road tax, as will be sufficient to pay the same, together with costs of seizure and sale, and may sell the same at any time and place, on giving notice one hour previous to such sale; and any person indebted to another liable to road tax who shall neglect or refuse to pay the same, shall be liable for the tax of such other person, after service on him by the Overseer of a notice, stating the name of the person so liable and owing road tax, and may deduct the amount thereof from such indebtedness; the Overseer, after deducting the tax for which such property was sold, and the necessary fees and costs of sale, shall restore the surplus, if any there be, to the owner of the property. A delivery of the possession of the property sold by the Overseer to any purchaser at any such sale shall be a sufficient title to the purchaser, without the execution of a deed therefor by the Overseer.

Sec. 8. When any Road Overseer shall pay any money into the County Treasury, it shall be the duty of the Treasurer to place it in the fund of the district of which the person so paying is Overseer; the funds of the several road districts shall be under the control of the Board of Supervisors, who may disburse the same for the construction of bridges and the opening and improving of roads; each fund shall be expended in the district where it was collected. The Board of Supervisors shall draw money from the District Road Funds by their order on the Treasurer, and the Treasurer shall pay money out of said funds on orders drawn by the Board of Supervisors.

Sec. 9. The Board of Supervisors shall cause proper blank receipts for road taxes to be printed, and it shall be the duty

Duties of
Overseer.

Seizure and
sale of prop-
erty for tax.

Road Funds,
disburse-
ment of
moneys, etc.

of the Clerk of said Board to sign such receipts and issue the same to the Road Overseers for the several districts, on their order; and said Clerk shall charge to the Overseers, in a book to be kept by him, the receipts which he shall issue to them; and when any person shall perform two days' labor on the highways, or in lieu thereof shall pay the sum of four dollars, the Road Overseer of the district shall deliver to him a road tax receipt with the blanks properly filled.

Overseer's compensation.

SEC. 10. Road Overseers shall, for each day that they may be actually and necessarily employed in working on the roads in their districts, or in superintending work on said roads, receive the sum of four dollars, payable out of the fund of their respective districts; and for collecting the road tax from persons who refuse or neglect to work on the roads, the same percentage that is allowed by law for collecting poll tax; *provided*, that the time occupied in collecting said road tax shall not in any manner be construed as time spent in actual and necessary work on the roads.

Accounts, and statement.

SEC. 11. On the first Monday in November in each year the Road Overseers shall file their accounts, duly verified, with the Clerk of the Board of Supervisors for settlement; said accounts shall contain a list of the names of all persons in their respective districts liable to perform service on the roads, the names of the persons who have performed such service, and of those who in lieu thereof have paid the sum of four dollars; they shall also contain a statement of the sums of money paid out, and to whom, together with the necessary vouchers; and each Overseer shall state in his account the number of days that he has actually and necessarily been employed in working on the roads in his district, or in superintending work on said roads; and he shall pay all moneys remaining in his hands, after deducting his per diem, into the County Treasury; and he shall file with his accounts all receipts which he may have received from the Treasurer; and also, all road tax receipts which remain in his hands unsold.

Balancing accounts, etc.

SEC. 12. The Board of Supervisors shall examine the accounts of the Road Overseers, and finding them to be correct, and that the persons who have paid road taxes, together with the tax receipts returned, are equal to the whole number of receipts issued to them respectively, shall order the Clerk of the Board to balance their accounts; and the Board of Supervisors shall draw their order on the Treasurer in favor of any Overseer who may have a balance due him, on settlement, for the amount of such balance, payable out of the fund of the district of which such person is Overseer.

Penalty for neglect of duty.

SEC. 13. Any Overseer neglecting or refusing to perform any of the duties prescribed by this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof before any Justice of the Peace in the county, shall be fined in any sum not exceeding two hundred dollars, for which fine his official bond shall be liable, and when collected shall be paid into the County Treasury and placed in the Road Fund of his district.

Levy of tax.

SEC. 14. The Board of Supervisors for said counties may levy annually, in addition to other taxes provided for by law, upon the taxable property in their respective counties, not to exceed

one half of one per cent; and said tax shall be assessed and collected at the same time and in the same manner as other taxes are in said counties.

SEC. 15. The tax provided for in the fourteenth section of this Act shall be set aside and kept as a separate fund, to be called the General Road Fund, and shall be expended under the direction of the Board of Supervisors for the construction of bridges, and for opening and improving roads of general interest and value to the respective counties; and all work done on bridges and roads under the provisions of this section, shall be awarded to the lowest responsible bidder, after at least thirty days' notice shall have been given, calling for sealed proposals, and stating the amount and description of the work to be done, and the time allowed for its completion.

SEC. 16. Whenever any contract that shall have been awarded under the provisions of the preceding section shall have been completed in a manner satisfactory to the Board of Supervisors, they shall draw their order for the amount specified in said contract, and it shall be the duty of the Treasurer to pay the same; *provided*, however, that no order shall be drawn for a sum larger than the amount then remaining in the General Road Fund.

SEC. 17. The provisions of this Act shall operate and be in force in the Town of Crescent City.

SEC. 18. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 19. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXXXVI.—*An Act to incorporate the Town of Santa Cruz.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The inhabitants of that portion of the Township of Santa Cruz, in the County of Santa Cruz, within the boundaries hereinafter described, are hereby constituted a body corporate and politic, under the name and style of the Inhabitants of the Town of Santa Cruz, and by that name and style they and their successors shall be known in law, have perpetual succession, and be invested with and have the power to sue and be sued in all Courts, grant, purchase, and receive property, real and personal, within such bounds, and no other, and may have a common seal, and alter it at pleasure.

SEC. 2. The corporate powers and duties of said body corporate shall be vested in a Board of Trustees, to consist of three members, who shall be elected by the qualified electors of said town on the first Monday of May of each year, and shall hold their offices for the term of one year, and until their successors are chosen and qualified; *provided*, that the first Board of Trustees shall be chosen in like manner at some time and place to be

designated by the Board of Supervisors of the County of Santa Cruz, which time shall not exceed twenty days from the date of said order, and the Trustees so chosen shall hold their offices until the first Monday in May next ensuing, and until their successors are elected and qualified.

Meetings. SEC. 3. The Board of Trustees shall assemble within ten days after their election, and choose a President from their number, and some person as Clerk; they shall by ordinance fix the times and places of their stated meetings, and may be convened by the President at any time.

Quorum. SEC. 4. At the meetings of the Board, a majority of the Trustees shall constitute a quorum to do business. A smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Board previously by ordinance may have prescribed.

Proceedings. SEC. 5. The Board of Trustees shall judge of the qualification, election, and returns of their own members. They may establish rules for their own proceedings, punish any member or other person for disorderly behavior in their presence. They shall keep a journal of their proceedings, and at the desire of any member shall cause the yeas and nays to be taken on any question and entered on the journals, and their proceedings shall be public.

Powers. SEC. 6. The Board of Trustees shall have power to make such by-laws and ordinances, not inconsistent with the Constitution and laws of the United [States] and of this State, as they may deem necessary; to prevent and remove nuisances; to prohibit disorderly conduct; to lay out, alter, keep open, and repair the streets and alleys of the town; to provide such means as they may deem necessary to protect the town from injuries by fire; to levy and cause to be collected, annually, a tax on all property in the town not exceeding one half of one per cent on the assessment valuation thereof; to impose and collect a poll tax of not exceeding one dollar per annum on every male inhabitant of twenty-one years of age and upwards; and to pass such other by-laws and ordinances for the regulation and police of such town as they may deem necessary.

Appointment and removal of officers. SEC. 7. Said Board of Trustees shall also have power to appoint some suitable person to act as Assessor; also, to appoint some suitable person to act as Marshal and as Tax Collector; they may also appoint a Road Master, and shall have power to remove all said officers at their pleasure, and to fix the amount of their compensation, and prescribe their duties; *provided*, that any officer so appointed, before entering upon the duties of his said office, shall enter into bond, with good and sufficient sureties, in an amount to be fixed by said Trustees, and to be approved by them, conditioned for the faithful performance of his duties in said office, which bond shall be payable to the corporation by its corporate name.

Board of Equalization SEC. 8. Said Board of Trustees shall also, in the event of a tax being levied under this Act, and an assessment made, sit as a Board of Equalization for not less than two days, notice of which sitting shall be given by publication, or by posting in three conspicuous places in said town for at least ten days next preceding the time fixed.

SEC. 9. The manner of making assessments and collecting town revenue shall be fixed by ordinance, and any Justice of the Peace of the Township of Santa Cruz who may be designated by said Board of Trustees, shall have jurisdiction of any and all suits which may be brought before him to enforce the collecting of said taxes; and any sale of property, real or personal, made in pursuance of any decree of said Justice, shall be as effectual to pass the title of the owner to the purchaser as if the same had been made under the revenue law of this State; and the provisions of an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, with the amendments thereto, so far as the same apply to proceedings at law to enforce the collection of delinquent taxes, and are not inconsistent with the foregoing provisions of this Act, are made applicable to this Act and to proceedings to enforce the collection of the aforesaid taxes.

SEC. 10. The boundaries of said corporation shall be as follows: Commencing where the west line of Township Eleven south, Range One west, Mount Diablo meridian, intersects the Bay of Monterey; thence northerly on the lines of said township to the southerly line of the Rancho Carbonero; thence westerly along the southerly line of the Rancho Carbonero to the Rancho Cañada del Rincon; thence following the southerly line of said Rincon Rancho to the easterly line of the Rancho del Refugio; thence southerly on the easterly line of the Rancho del Refugio to the Bay of Monterey; thence following the sea coast to the point the place of beginning.

SEC. 11. This Act shall take effect from and after its passage.

CHAP. CCCCXXXVII.—*An Act to amend an Act entitled an Act amendatory of Article Fourth of an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article Four, approved April twenty-fifth, eighteen hundred and sixty-two.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fourteen is amended to read as follows:

Section 14. The Superintendent of Public Streets and Highways may require at his option, by notice in writing, to be delivered to them personally or left on the premises, the owners, tenants, or occupants of lots or portions of lots liable to be assessed for work done under the provisions of this Act, to improve forth-

Notice to
property
owners to
improve and
clean streets.

with any of the work mentioned in section three of this Act in front of the property of which he is the owner, tenant, or occupant, to the centre of the street or otherwise as the case may require, specifying in said notice what improvement is required; in like manner to require such owner, tenant, or occupant, to remove all filth and dirt from the street in front of his premises; and also, by notice in writing, to be delivered to the principal agent or Secretary of any street railroad, or to be left at the office of such railroad company, to require such company to improve forthwith any work mentioned in this Act which said company are required by law to do and perform. After the expiration of three days the said Superintendent shall be deemed to have acquired jurisdiction to contract for the doing of the work or improvements, or removing of filth and dirt required by said notice. If such improvement or cleaning be not commenced within three days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the said Superintendent may enter into a contract with any suitable person applying to make said improvements or cleaning, at the expense of the owner, tenant, or occupant, at a reasonable price, to be determined by said Superintendent, and such owner, tenant, [or] occupant shall be liable to pay the same. After the certificate referred to in section fifteen shall have been recorded, the sums contracted to be paid shall be a lien the same as provided in section ten of this Act, and may be enforced in the same manner.

SEC. 2. Section twenty-one is amended to read as follows:

Acceptance of streets and street work. Section 21. When any street or portion of a street has been or shall hereafter be constructed to the satisfaction of the Committee on Streets, Wharves, Grades, and Public Squares, of the Board of Supervisors, and the Superintendent of Public Streets and Highways, and shall have a brick sewer constructed therein, under such regulation as said Board shall adopt, the same shall be accepted by the Board of Supervisors, and thereafter shall be kept open and improved by the said city and county, the expense thereof, together with all work done in front of city property, to be paid out of the Street Department Fund; *provided*, that the Board of Supervisors shall not accept of any portion of the street less than the entire width of the roadway, (including the curbing, and one block in length, or one entire crossing;) and, *provided*, further, when the contract shall be awarded and the work performed by and under the authority of said city and county, and the street or portion thereof so constructed and sewered, if done in a workmanlike manner, should be accepted by the Board of Supervisors, the owners of property thereon shall not be compelled to pay for such work until the same shall be so accepted. The Superintendent of Public Streets and Highways shall keep in his office a register of all accepted streets, the same to be indexed, so that reference may be easily had thereto.

SEC. 3. Section twenty-five is hereby amended so to read as follows:

City Surveyor. Section 25. The City Surveyor shall be the proper officer to do the surveying and other work which may be necessary to be done under sections one and two of this Act, and to survey, measure, and estimate the work done under contracts for grading

streets; and every certificate of work done by him, signed in his official character, shall be *prima facie* in all the Courts in this State of the truth of its contents; he shall also keep a record of all surveys made under the provisions of section one of this Act, as in other cases; the Superintendent shall measure and determine any other work which may be done under the provisions of this Act.

Second—The words “improve,” “improved,” and “improvements,” as used in this Act, shall include all necessary repairs of all work mentioned in section three of this Act, and also the reconstruction of all or any portion of said work. Definitions of words used in this Act.

Third—The term “main street,” as used in this Act, means such street or streets as bound a block; the term “street” shall include crossings.

Fourth—The word “block” shall mean the blocks which are known or designated as such on the map and books of the Assessor of said city and county.

Fifth—The term “incidental expenses” shall mean the expense for work done by the City Surveyor under the provisions of this Act; also, the expense of printing, measuring, and advertising the work done under contracts for grading, and the expense of superintendence of sewers, and of piling and capping, and re-piling and re-capping, paving and re-paving, macadamizing.

Sixth—The publication of notices required by the provisions of this Act shall be published daily, (Sundays excepted,) in the newspaper doing the printing by contract for said city and county. Publication of notices.

SEC. 4. Section twenty-seven is hereby amended so as to read as follows:

Section 27. The Superintendent shall appoint a person or persons suitable to take charge of and superintend the construction or improvement of each and every sewer, and of piling and capping, and re-piling and re-capping, paving and re-paving, and macadamizing, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect, and in case of any departure therefrom to report the same to said Superintendent. He shall be allowed for his time actually employed in the discharge of his duties, such compensation as shall be just, but not to exceed five dollars per day. The sum to which the party so employed shall be entitled shall be deemed to be incidental expenses within the meaning of those words as defined in this Act; provided, that the owners of more than one half of the frontage of the lots and lands fronting on the work proposed to be done under this section, may, within forty-eight hours after the work has been commenced, appoint their own Superintendent of the work, and provide for his compensation by private agreement. Appoint-
ment of
Overseer.
Compensa-
tion.

CHAP. CCCCCXXXVIII.—An Act to regulate fees in office of the County Assessor, County Treasurer, and Tax Collector in the County of Siskiyou, and to more fully define their duties.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary of Assessor.

SECTION 1. The County Assessor of the County of Siskiyou shall receive for his services such compensation as the Board of Supervisors may allow, not to exceed the sum of eight dollars per day for each day actually engaged in his official duties; provided, the Board of Supervisors may prescribe the time at which he shall make full and complete returns of his assessment list; provided, further, that the total amount allowed for assessing the county shall not exceed the sum of two thousand dollars per annum.

Statement of time.

SEC. 2. The Assessor shall make a sworn statement to the Board of Supervisors of the number of days actually engaged in listing the taxable property of the county, and such statement shall be filed in the office of the County Auditor.

Compensation and fees of Collector.

SEC. 3. The Tax Collector of the County of Siskiyou shall receive the fees and compensation now allowed by law; but forty-five per cent of the compensation allowed for the collection of the following taxes, to wit: poll taxes, military and hospital taxes, license taxes of every description, and foreign miners' license tax, and real and personal property tax, shall be paid by him into the County Treasury for the benefit of the General Fund; said percentage to be paid into the County Treasury on or before the first Monday of each month, for which he shall take a receipt from the County Treasurer, which receipt he shall immediately file with the County Auditor.

Of Treasurer

SEC. 4. The County Treasurer of the County of Siskiyou shall receive the fees and compensation now allowed by law; but twenty-five per cent of all fees and compensation allowed him shall be paid by him into the County Treasury for the benefit of the General Fund, the same to be paid on or before the first Monday of each month. He shall also, on the first Monday of each month, file a sworn statement with the County Auditor that he has paid into the County Treasury, for the benefit of the General Fund, twenty-five per cent of all fees or compensation received by him as County Treasurer.

Penalty.

SEC. 5. The Assessor, Tax Collector, and County Treasurer of the County of Siskiyou, and each of them, shall be liable on their official bonds for the violation of any of the provisions of this Act, and on conviction thereof shall be fined in a sum not exceeding one thousand dollars for each and every offence, and shall be removed from office in the manner prescribed by law.

SEC. 6. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed so far as they relate to the County of Siskiyou.

SEC. 7. This Act shall take effect on the first Monday of March, one thousand eight hundred and sixty-eight.

CHAP. CCCCCXXXIX.—An Act to authorize certain parties therein named to construct a wharf.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. J. P. Zimmerman, and S. W. Ravelly, and their ^{Franchise.} associates and assigns, are hereby authorized to build a wharf on the west bank of the Sacramento River, at the Town of Knight's Landing, County of Yolo, between the lines of Railroad street and Mill street, where the same strikes said river; ^{Construction and tolls.} provided, the same shall not obstruct the navigation of the said river.

SEC. 2. The parties mentioned in section one of this Act, ^{Completion} and their associates and assigns, shall build and construct said wharf, or such portion thereof as may be hereinafter required, in a good and substantial manner, of sufficient strength and capacity to accommodate steamboats and other vessels navigating said waters, and shall have the right to charge and collect such rates of toll for wharfage, shipment of goods and merchandise, and storage, as shall be allowed by the Board of Supervisors of Yolo County.

SEC. 3. The said parties and their associates and assigns ^{Duration of franchise.} hereinbefore mentioned, shall commence and complete one hundred feet of said wharf within one year from the date of the passage of this Act; and all the privileges and franchises herein granted shall continue and be in force for the period of twenty-five years.

SEC. 4. This Act shall be in force and take effect from and after its passage.

CHAP. CCCCCXL.—An Act concerning roads and highways in the County of Santa Clara.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following roads in Santa Clara County are ^{Highways.} declared to be public highways:

First—All roads now used as public highways, and which have been declared to be such by the Board of Supervisors;

Second—All roads which the Board of Supervisors may declare to be public highways, in accordance with the provisions of this Act;

Third—Any road used as a public highway for two consecutive years or more.

SEC. 2. Any person or persons proposing to apply for the location, alteration, or vacation of any road or highway, shall

CHAP. CCCCXXXVIII.—An Act to regulate fees in office of the County Assessor, County Treasurer, and Tax Collector in the County of Siskiyou, and to more fully define their duties.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary of Assessor. SECTION 1. The County Assessor of the County of Siskiyou shall receive for his services such compensation as the Board of Supervisors may allow, not to exceed the sum of eight dollars per day for each day actually engaged in his official duties; provided, the Board of Supervisors may prescribe the time at which he shall make full and complete returns of his assessment list; provided, further, that the total amount allowed for assessing the county shall not exceed the sum of two thousand dollars per annum.

Statement of time. SEC. 2. The Assessor shall make a sworn statement to the Board of Supervisors of the number of days actually engaged in listing the taxable property of the county, and such statement shall be filed in the office of the County Auditor.

Compensation and fees of Collector. SEC. 3. The Tax Collector of the County of Siskiyou shall receive the fees and compensation now allowed by law; but forty-five per cent of the compensation allowed for the collection of the following taxes, to wit: poll taxes, military and hospital taxes, license taxes of every description, and foreign miners' license tax, and real and personal property tax, shall be paid by him into the County Treasury for the benefit of the General Fund; said percentage to be paid into the County Treasury on or before the first Monday of each month, for which he shall take a receipt from the County Treasurer, which receipt he shall immediately file with the County Auditor.

Of Treasurer SEC. 4. The County Treasurer of the County of Siskiyou shall receive the fees and compensation now allowed by law; but twenty-five per cent of all fees and compensation allowed him shall be paid by him into the County Treasury for the benefit of the General Fund, the same to be paid on or before the first Monday of each month. He shall also, on the first Monday of each month, file a sworn statement with the County Auditor that he has paid into the County Treasury, for the benefit of the General Fund, twenty-five per cent of all fees or compensation received by him as County Treasurer.

Penalty. SEC. 5. The Assessor, Tax Collector, and County Treasurer of the County of Siskiyou, and each of them, shall be liable on their official bonds for the violation of any of the provisions of this Act, and on conviction thereof shall be fined in a sum not exceeding one thousand dollars for each and every offence, and shall be removed from office in the manner prescribed by law.

SEC. 6. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed so far as they relate to the County of Siskiyou.

SEC. 7. This Act shall take effect on the first Monday of March, one thousand eight hundred and sixty-eight.

CHAP. CCCXXXIX.—An Act to authorize certain parties therein named to construct a wharf.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. J. P. Zimmerman, and S. W. Ravely, and their ~~franchise~~, associates and assigns, are hereby authorized to build a wharf on the west bank of the Sacramento River, at the Town of Knight's Landing, County of Yolo, between the lines of Railroad street and Mill street, where the same strikes said river; provided, the same shall not obstruct the navigation of the said river.

SEC. 2. The parties mentioned in section one of this Act, ^{Construction and tolls.} and their associates and assigns, shall build and construct said wharf, or such portion thereof as may be hereinafter required, in a good and substantial manner, of sufficient strength and capacity to accommodate steamboats and other vessels navigating said waters, and shall have the right to charge and collect such rates of toll for wharfage, shipment of goods and merchandise, and storage, as shall be allowed by the Board of Supervisors of Yolo County.

SEC. 3. The said parties and their associates and assigns ^{Completion} hereinbefore mentioned, shall commence and complete one hundred feet of said wharf within one year from the date of the passage of this Act; and all the privileges and franchises ^{Duration of franchise.} herein granted shall continue and be in force for the period of twenty-five years.

SEC. 4. This Act shall be in force and take effect from and after its passage.

CHAP. CCCXL.—An Act concerning roads and highways in the County of Santa Clara.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following roads in Santa Clara County are ~~Highways~~, declared to be public highways:

First—All roads now used as public highways, and which have been declared to be such by the Board of Supervisors;

Second—All roads which the Board of Supervisors may declare to be public highways, in accordance with the provisions of this Act;

Third—Any road used as a public highway for two consecutive years or more.

SEC. 2. Any person or persons proposing to apply for the location, alteration, or vacation of any road or highway, shall

Notice of application to locate, alter, or vacate. give notice of such intention by posting three notices thereof in public places in each road district affected thereby, and in the vicinity of the road proposed to be established, altered, or vacated, and one such notice on the door of the room in which the Board of Supervisors of the county hold their meetings, at least thirty days previous to the time of making such application, which application shall only be made at a regular meeting of the Board of Supervisors; and in such notice shall set forth specifically the place of beginning, the intermediate points, if any, a general description of the proposed route, the termination of said road or the particular portion of said road proposed to be altered or vacated, and the time at which the application will be made.

Petition.

SEC. 3. Upon the day specified in any notice of the character described in the previous section, the person or persons giving such notice shall complete the proposed application by petition to the Board of Supervisors, which petition shall be signed by at least five citizens of the county residing in the vicinity of such road, and set forth the same matter contained in said notice, and shall ask for the appointment of Viewers to view said proposed location, alteration, or vacation, and the final confirmation and establishment thereof; and the joining of any person in such petition shall be considered as a waiver of all right to damages arising from the location of such road through any lands owned or claimed by such petitioner, and the dedication of them to the public use as a highway. Proof shall also be made to the Board of Supervisors, upon the affidavit of some competent person, of the posting of the notices required in the second section of this Act, and also that all persons owning or claiming land on the proposed route have been notified of said proposed application at least ten days previous to the day specified in the notice; *provided*, that where the owner or claimant is a minor, idiot, or insane person, notifying the legal guardian of such minor, idiot, or insane person, shall be sufficient, and shall be set forth in the affidavit. If the owner of any land over which any road is proposed to be located does not reside thereon, or is not personally notified, the person notifying shall cause such notice to be served by publication once a week, for at least four consecutive weeks, in a newspaper published in the county.

Bond for payment of expenses.

SEC. 4. Upon the filing of the petition specified in the foregoing section, the petitioners or some of them shall enter into a bond, with sufficient sureties, in such sum as the Board of Supervisors may determine, conditioned that the persons making such application will pay into the County Treasury the amount of all costs or expenses accruing on or in consequence of such application. In case the prayer of the petitioners shall not be granted, and the location, alteration, or vacation finally confirmed or established, and should such applicants fail to pay such costs or expenditures into the County Treasury according to the tenor of such bond within three months after such liability shall have accrued, then the Board of Supervisors shall cause such bond to be delivered to the District Attorney of the county, whose duty it shall be to proceed forthwith to collect all sums due by the makers of the bond, according to law.

SEC. 5. Any person or persons owning or claiming lands through or upon which it is proposed to locate and establish a public highway, and desiring to apply for damages in consequence of such location, shall make application by petition in writing to the Board of Supervisors on the day on which the application for such location shall be made, according to notice, wherein they shall set forth the particular road referred to, the amount and character of the land affected thereby, and any other circumstances having relation to the subject of damages upon such land; *provided*, that the legal guardians of minors, idiots, or insane persons, shall be authorized and required to take all measures in the premises which may be necessary fully to protect their rights.

SEC. 6. Upon the filing of a sufficient bond and proof of the notice required in section two of this Act, together with the affidavits required in section three of this Act, at the time specified in said notice, the Board of Supervisors shall appoint as Road Viewers three disinterested citizens, one of whom shall be a practical surveyor, and shall place in the hands of such Road Viewers the petition for the road which they are to view, together with all applications for damages in the premises; and upon a day named by the Supervisors, or within five days thereof, after taking an oath to perform faithfully the duties devolving upon them by law as such Road Viewers, they shall proceed to view the proposed location, alteration, or vacation, and shall decide whether such proposed location, alteration, or vacation is required for public convenience; and they shall take into consideration private as well as public interests. If in the opinion of the Viewers the prayer of the petitioners is reasonable, and the location, alteration, or vacation necessary to the public, they shall take to their assistance two chainmen and a marker, who shall be sworn by one of the Road Viewers, who are each hereby authorized to administer all oaths required by this Act, and shall proceed to survey said proposed location or alteration, and shall distinctly mark the commencement, the courses, distances, and the termination of said route; and the surveyor shall make a plat and field notes of said survey, which shall be filed as a part of the report of said Road Viewers. At Report. or before the first day of the regular meeting of the Board of Supervisors next preceding that at which Road Viewers have been appointed as provided by this Act, or upon or before any day which the Board of Supervisors may name, they shall file with the Clerk of the Board of Supervisors a report of their proceedings in the premises, in which they shall set forth:

First—Who of them were present;

Second—That they were sworn;

Third—Whether such location, alteration, or vacation is or is not advisable;

Fourth—A plat and field notes of the survey;

Fifth—The expenses of the view and survey;

Sixth—The amount of damages which they are authorized and required to assess separately by each and every person owning or having any right, title, or interest in or to the lands through or upon which said location, alteration, or vacation is proposed to be made;

Seventh—The width of the road, which shall not exceed sixty-six feet.

SEC. 7. Said Viewers in making their report of damages, shall take into consideration the benefits arising from said road to the parties to whom they allow damages.

Establish-
ment of
location.

SEC. 8. Upon the first day of the regular meeting of the Board of Supervisors next succeeding that at which the Road Viewers were appointed, or upon such day as the Board may have named, as provided in section six, the Board of Supervisors shall proceed to consider all matters touching the petition for the location, alteration, or vacation of any road, and all subsequent proceedings had thereon in connection with the report of the Viewers on file, and such evidence as the parties interested may introduce touching the same, and if in their opinion the public good and convenience require that the proposed location, alteration, or vacation should be made, they shall confirm the report thereon in whole or in part, as they may deem advisable, and establish said location or alteration, or as much thereof as they may deem advisable, as a public highway, and the damages assessed and the costs which have accrued shall be paid out of the Road Fund, and the Board of Supervisors shall order a warrant or warrants to be drawn accordingly; *provided*, the Board of Supervisors shall be authorized to pay the same out of the General Fund by special order made for that purpose, or said Board may make the establishment conditional upon payment by petitioners of any or all expenses of opening said road.

Payment of
damages.

SEC. 9. Upon the report of Road Viewers being filed as above provided for, the Board of Supervisors shall order the amount of damages sustained by each and every person owning or claiming said lands to be set apart in the Treasury, to be paid to the proper owner or claimant, if known, and to be kept for the owner if unknown, and to be paid to him or her upon showing or establishing their right or title to said lands. From the time of the setting apart of the amount as above provided, said lands shall be deemed to be taken for public use.

Refusal to
establish
location.

SEC. 10. If in the opinion of the Board of Supervisors the proposed location, alteration, or vacation is not necessary for the public good, or is not of sufficient importance to warrant the action asked for, they may refuse to confirm the report of the Viewers, and may discontinue proceedings in the premises; and they shall then direct the District Attorney to collect the expenses which may have accrued during the progress of the proceedings had in the premises, upon the bond provided for in section four of this Act.

Road record

SEC. 11. Whenever any public road is established as contemplated in this Act, it shall be recorded by the Clerk of the Board of Supervisors in a book to be kept for that purpose, which book shall be called the Road Record of the county. Upon the final establishment of any road, and the payment or securing of the damages as provided in this Act, the Clerk of the Board of Supervisors shall within ten days thereafter notify the Road Master or Road Masters of the district or districts within which such road is situated of the establishment thereof, and furnish him with a specified description of said road; and it shall be the duty of such Road Master or Road Masters to open such road within

thirty days from the reception of such notice, unless there were ^{Opening of} road at the time of locating such road growing crops upon the ground affected by such road, in which case it shall be the duty of such Road Master or Road Masters to open such road within thirty days after the harvesting of such crops.

Sec. 12. Any person or persons desiring to establish a road ^{Private roads.} for private convenience, and which is not intended for the benefit of the travelling public generally, may do so by consent of the parties owning land affected thereby; but such consent, together with a specific description of the proposed private road, and the conditions in reference to gates, inclosures, or other matters agreed upon, shall be filed with the Board of Supervisors or their Clerk; and upon filing of such consent and specific description, such road shall be recorded in the Road Record of the county, and shall become to all intents and purposes a private road for the use of parties interested; *provided*, that the parties for whose benefit such roads are established shall keep them in repair at their own expense, except that they may by special consent of the Road Master of the district expend the amount of their poll tax upon such private roads; and for such services they shall receive a certificate from the Road Master on the same conditions and for the same purposes as provided for labor on public roads. Whenever any person or persons wishing to establish a private road, and from any cause are unable to obtain the consent of parties owning the lands affected thereby, the same measures shall be taken and the same law shall apply thereto as in the establishment of public roads, except that only one petitioner shall be necessary; and in the assessment of damages the Road Viewers shall contemplate the erection of good and sufficient gates, or such other means of protection as the petitioner or petitioners may propose to erect; and the final establishment of such private road shall be conditioned upon erection and keeping in repair of all such gates or safeguards provided for, and the payment of all such costs as may have accrued, or such damages as may have been assessed; and that part of this section having reference to labor on private roads, and to record after final establishment, shall be applicable in this instance; and every order establishing a private road shall specify the width of such road, which shall not exceed thirty-three feet. If any person or persons, claiming damages on ^{Damages.} account of the location or alteration of any road under the provisions of this Act, shall be dissatisfied with the award of the Road Viewers, and cannot agree with the Board of Supervisors as to the amount of damages sustained, and shall refuse to receive the same, such person or persons shall, within ten days from the time of final hearing, commence an action against the ^{Action.} county, by name, for such damages, in a Court of competent jurisdiction, which action shall be conducted in like manner as other actions in civil cases in the Courts of justice of this State, except as hereinafter provided. The complaint shall be in writing, and the summons, with a copy of the complaint, shall be served upon the Clerk of the Board of Supervisors; and said Clerk shall notify in writing the President of the Board of Supervisors and the District Attorney of the commencement of such action, which shall be sufficient notice to the county; and

Bond for costs.

it shall be the duty of the District Attorney to appear on the part of the county and defend all actions commenced under the provisions of this Act. The plaintiff, at the time of filing his complaint, shall also file a bond in the sum of three hundred dollars, with two or more sureties, who shall be residents and house or freeholders of the county, and shall testify that they are each worth, over and above their debts and liabilities and property exempt from execution, double the sum specified in the bond. The conditions of the bond shall be to the effect that the plaintiff will pay all costs awarded to the county, not exceeding the amount of the bond.

Payment of costs.

SEC. 13. If the plaintiff in the action shall fail to recover a greater amount of damages than was awarded by the Road Viewers, or than agreed to be allowed by the Board of Supervisors, all the costs in the case shall be taxed against him, and in favor of the county; and if the costs allowed to the county are not paid within thirty days from the time of the entry of the judgment, it shall be the duty of the District Attorney to proceed upon such bond to recover the same.

Where action shall be brought.

SEC. 14. When the action provided for in this Act is in a Justice's Court, it shall be before some Justice in the township wherein the county seat is located; and if there be no Justice in such township, excepting such as are disqualified to act in the case, then the action shall be transferred to the nearest Justice in an adjoining township, and the county shall have ten days in which to answer from the time of the commencement of the action, and eight days from the time the copy of the complaint is served.

Plaintiff and defendant.

SEC. 15. In all cases of an application or action for damages under the provisions of this Act, the claimant shall be deemed the plaintiff, and the county the defendant.

Opening of road.

SEC. 16. No public or private road shall be opened or any alteration made thereof until all claims for damages shall have been determined and settled as provided in this Act.

Proposal to open public road through private land.

SEC. 17. Whenever any person or any number of persons may propose to open a public road through his, her, or their lands, the person or persons so wishing may petition the Board of Supervisors of said county (said petition giving the commencement and terminus of said proposed road, with general description and width) to declare said proposed road a public road; and said Board may, if they deem said road necessary, enter in their book of record an order declaring said petition granted; and said petitioners shall proceed at their own expense—unless the Board of Supervisors order the expense paid from the County Road Fund—to fence out such road within thirty days, unless the Board of Supervisors grant a longer time; but the road shall, from the time fixed for opening, be considered to be dedicated to public use. If the guardian of any minor, idiot, or insane person shall petition for said minor, idiot, or insane person, said petition shall be treated and have the same effect as petitions of other persons.

Compensation.

SEC. 18. Any person performing any service in this Act in reference to the view, location, or survey of roads, shall receive as compensation the following per diem, to wit: Road Surveyor, five dollars; Viewers, three dollars; Assistant Surveyor, two

dollars; which sum shall be allowed by the Board of Supervisors, and paid by their order, either by the petitioners or by warrants drawn on the County Road Fund.

SEC. 19. For all purposes of this law the townships as now established shall be road districts within the meaning of the law; and they may be changed, created, or more distinctly defined by the Board of Supervisors at any time when considered necessary; *provided*, that upon the application of ten citizens of the county, made in writing, to the Board of Supervisors at any regular meeting of said Board, they may divide any township into two or more road districts, defining the same as clearly as possible, and numbering the districts from one upwards; and at the election of Road Master herein provided for, the citizens of each road district shall vote for some citizen within the district in which they reside as Road Master.

SEC. 20. At the session of the Board of Supervisors for levy- *Levy of tax.* ing State, county, and other taxes, the said Board shall levy upon each able-bodied man, except Indians, between the age of twenty-one and fifty years, a road poll tax of two dollars, and upon all taxable property in the county a tax for road purposes of not more than twenty cents upon each one hundred dollars, which sum shall be allowed and collected as all other taxes, except as hereinafter provided; and for the purposes of carrying out the provisions of this section, the Board of Supervisors are hereby authorized and required to levy said taxes, which may be done at any time, either at a special meeting of the Board for that purpose or at a regular meeting thereof, as the necessity of the case may require; and the Assessor, in cases where he has *Assessment.* already made his assessment, shall place in a separate column, opposite the name of the party so assessed, when liable to pay a road tax, the figure one, as required by this Act, and all able-bodied men, except Indians, who have resided three months in the State and ten days in the road district, shall pay the road poll tax herein provided for; and all moneys received or collected for such taxes or assessments shall constitute the County Road Fund. In order to enable the Board of Supervisors to levy the poll tax heretofore specified, and to provide for the collection of the same, the Assessor or Assessors in the County of Santa Clara shall prepare in his or their tax list or assessment roll a separate column, headed "Road Poll," in which he shall place against the name of every person liable to pay road poll tax, the figure one. All taxes and assessments, with the assessments hereinafter provided, shall be collected by the Tax Collector of the county in the same manner as other State and county taxes, and placed in the County Treasury to the credit of the Road Fund..

SEC. 21. At each general election the qualified electors in *Road Master.* each road district shall elect some citizen of said road district as Road Master of said district for the term of two years from the time of his election; and it shall be the duty of the Clerk *Bond.* of the Board of Supervisors to notify the person so elected of his election, and he shall thereupon, or within ten days thereafter, qualify, by filing a bond with the Clerk of the Board of Supervisors in the sum of one thousand dollars, with two sureties, which shall be approved by the County Judge, and by

taking an oath before some person authorized to administer the same that he will faithfully and impartially perform the duties devolved upon him by law as Road Master; *provided*, that the Board of Supervisors at any regular meeting shall fill any vacancy existing or that may occur by death or otherwise in the office of Road Master in said county.

Duties of Road Master. SEC. 22. It shall be the duty of the Road Master to have the care and general supervision of the public roads within the district, to maintain and keep them in good repair, and to erect such necessary bridges and culverts as the means at his command will permit; and he shall also, by direction of the Supervisors, cause suitable guide boards to be erected at the intersection of important roads. He shall oversee and direct the labor expended upon the roads, and see that teams, ploughs, scrapers, and other implements, are furnished for the road service. He shall, between the first day of October and the first day of June in each year, give to each person in his road district who is liable to pay road tax, at least two days notice of the time and place at which such person shall appear for the purpose of working on the public roads. Such notice shall also specify what teams or utensils each person is expected to bring for the road service; *provided*, that the Road Master shall consult the private interest of tax payers in reference to teams and implements, so far as he may do so without detriment to the public service.

SEC. 23. When any bridge or culvert shall be broken or injured so as to be impassable or dangerous, or when any road from any cause shall be impassable, or when a new road is required to be opened, the Road Master may call out a sufficient number of persons living in the vicinity to repair or open such road, and for any service so done shall issue to the party a receipt, as hereinafter provided for labor on highways. Upon the completion of any road service required of any person, unless such service can be paid in cash with money collected for road poll taxes or by poll tax receipts, the Road Master shall make out and deliver to such person a certificate for the labor at the rate of two dollars per day, for not less than ten hours, together with such sums as may be justly due for the use of teams and utensils. All claims for services done, teams or materials furnished, and certified to by the Road Masters, shall be audited by the Board of Supervisors, and, upon approval, they shall order a warrant for the amount of each claim to be drawn

Right to take materials. upon the Road Fund. In order to carry out the intentions of this Act, the Road Master shall be authorized to take, for the use of the road service, any timber, earth, gravel, rock, or other material growing or being in any uninclosed or uncultivated lands in the vicinity of a public road, except he shall not cut down any tree that has been planted or preserved as a shade or ornamental tree; and upon application of the owner thereof he shall make such allowance therefor as he may deem just, and shall give to such owner a certificate of the amount due for such property, and upon the presentation of such certificate, and the approval of the Board of Supervisors, they shall order a warrant to be drawn for the amount, payable out of the County Road Fund.

Allowance therefor.

SEC. 24. The Board of Supervisors, or Road Master with the contracts. consent of said Board, may make contracts for the purchase of lumber or other materials, for building bridges or culverts, for grading roads, or any other necessary work upon the highways within his district; but no such contract shall be made when the amount to be expended will probably exceed one hundred dollars without first giving at least thirty days' notice of the proposed letting of such contract, by posting the notice thereof as required in section two of this Act, or publishing the same four successive weeks in some newspaper published in the county, which notice shall set forth the services, or amount of material required, when and where proposals will be received and opened, and where specifications, if any, may be received and examined; also stating what particulars must enter with the proposals, and the character and time of the payments proposed to be made. Upon the day set forth in such notice for opening the proposals, all the proposals filed in reference to the matter of such notice shall be opened by the Board of Supervisors, or their Clerk, in connection with the Road Master of the district within which the proposed improvements are located, and the proposals of the lowest responsible bidder shall be received; *provided*, that the Board of Supervisors may refuse all the proposals if they deem such action advisable.

SEC. 25. All payments for the fulfilment of any contract for payment. the purposes heretofore specified shall be made by warrants drawn on the "County Road Fund," by order of the Board of Supervisors. In case of the construction or reparation of a bridge over stream between two counties. the Road Masters and Supervisors of the several districts and counties connected by said bridge shall have and exercise a joint duty and authority over the erection and reparation of said bridge, and the expense thereof shall be equally divided between said counties.

SEC. 26. On or before the first Monday in August, each Road Master shall prepare a full statement of the labor performed in his district, tools, teams, implements, or materials hired or purchased, the amount of road poll tax paid, either in labor or money, and by whom paid; the amount of money paid out, to whom, and for what paid; also, the amount certified to for labor done, or for tools, teams, implements or materials furnished, and to whom such certificates have been issued; also, the number of days' service by him actually and necessarily performed in the discharge of his official duty; all of which particulars shall be verified by his oath. The Road Masters shall be allowed for all services performed in discharge of their duties such per diem as the Board of Supervisors may deem just, not to exceed four dollars; and each Road Master shall have charge of and be held responsible for all tools and implements purchased for and belonging to his district; and his statement shall embrace an inventory of the same, a duplicate of which, together with all such tools, utensils, and other property, he shall deliver to his successor or to some person designated by the Supervisors to receive them. Compensation.

SEC. 27. The Road Masters of the several road districts in said County of Santa Clara are hereby authorized and required,

Collection of under the direction of the Board of Supervisors, to collect, either road poll tax in money or in labor, any or all road poll taxes, payable by persons in their respective districts, and all road poll taxes not so paid shall be collected by the Tax Collector of the county. All moneys collected by the Road Masters as road poll taxes shall be expended in repairs of roads in their respective districts; and the Board of Supervisors shall provide road poll tax receipts for distribution to the Road Masters, prescribing the rules for using and accounting for such poll tax receipts.

Same. SEC. 28. If so ordered by the Board of Supervisors, it shall be the duty of the Road Master upon entering into office, or at such time as may be most convenient and suitable for such purpose, to proceed to collect the road poll tax, either in money or labor, from any person liable to said tax he may find in his district; and for all the purposes of this Act the Road Master is hereby authorized to administer oaths and affirmations. Upon

Sale of property for tax. any person who may be liable, refusing upon demand upon himself or his agent, to pay the road poll tax either in money or labor, it shall be the duty of the Road Master to enforce the collection of the same in money by seizing so much of any species of personal property, debts, or choses in action whatever of the delinquent, and if none such can be found, then by levying upon and seizing so much of real property of the delinquent as will be sufficient to pay such tax and costs of seizure and sale, and shall and may sell the personal property at any time and place, upon giving a verbal notice one hour previous to such sale, and shall and may sell the realty in the manner prescribed for Sheriff's sale under execution; and any person indebted to another liable to pay such tax shall be liable to pay the same for such other person after service upon him by the Road Master of a written notice, stating the name or names of the person or persons liable and owing said tax, and the party paying is hereby authorized to deduct the amount thereof from such indebtedness. The Road Master, after deducting the tax for which the property was sold, and such fees and costs as would accrue to the Sheriff for like services, shall return the surplus to the owner of the property. A delivery of the possession of personal property after sale by the Road Master to any purchaser shall be sufficient title thereof; or if required by the purchaser, the Road Master shall execute a bill of sale. The Road Master may also demand of each employer, a statement under oath touching his indebtedness to the laborers employed by him who are liable to pay the road poll tax; and if it shall appear upon such statement being made that such employer is indebted to any person liable to pay the road poll tax in an amount equal to said tax due by him, the Road Master may demand payment of said taxes from such employer, and if such employer refuses or neglects to pay the same, or to make a statement of his indebtedness under oath, the said Master in his own name may proceed to collect the amount from him by suit; and in all suits under this Act the Road Master shall be a competent witness.

Employers to pay from money of employees in their hands. SEC. 29. It shall be the duty of the Auditor, in preparing the duplicate assessment lists provided for in section twenty-one of an Act to provide revenue for the government of this State, approved April thirtieth, eighteen hundred and sixty, to pro-

Road tax in duplicate assessment roll.

vide a separate column, in which shall be carried out the road tax of each person, including his road poll tax.

SEC. 30. It shall be the duty of each Tax Collector and Treasurer to keep their books in such a manner as to show how much road tax has been received, how much paid out, and how much is on hand; and the Treasurer shall pay all road moneys out upon warrants drawn upon the Road Fund, by order of the Board of Supervisors, and in no other manner. The Board of Supervisors shall cause to be printed and distributed each year to the various Road Masters proper blank receipts for road tax paid in labor. All road taxes now levied or due under any other law shall be collected and disposed of under the provisions of this Act.

SEC. 31. Any person or persons or body politic or corporate who shall obstruct any public highway, either by placing an obstruction therein, or by digging or deepening the waters of any stream, or in any other manner, shall be liable to a prosecution before any Justice of the Peace in the county; and it shall be the duty of the Road Master of any district wherein such obstruction exists to prosecute for such offence on behalf of the county; and the person so obstructing shall, upon conviction thereof, be punished by a fine of not less than ten nor more than fifty dollars, to be collected as other fines; and he shall further be liable, at the suit of the Road Master of the district, in the sum of five dollars for each day that such obstruction is allowed to remain, after being notified to remove or remedy the same.

SEC. 32. Any person or persons who shall wilfully injure or destroy any bridge or other portion of a public highway, in such manner as shall render the same dangerous or impassable, or who shall cut down or injure any living tree planted or preserved as a shade or ornamental tree, either in or upon the borders of any public road, shall be guilty of malicious mischief, and upon conviction thereof before any Justice of the Peace, shall be punished by a fine of not more than one hundred dollars, or imprisonment in the County Jail for not more than thirty days, or by both fine and imprisonment; and it shall be the duty of the Road Master in any district to prosecute, in behalf of the county, any person so offending within his road district. All fines collected under the provisions of this Act shall be paid into the County Treasury, and become a part of the County Road Fund.

SEC. 33. The Board of Supervisors are hereby authorized, if they deem proper, to cause a board or boards to be erected on any bridge in Santa Clara County, requiring all persons driving teams to turn to the right, warning all persons against riding or driving faster than a walk, and limiting the number of cattle or horses that may at any one time be driven across said bridge, and giving notice of the amount of fine to be recovered for each offence, and said fine, with costs of suit, may be recovered by the District Attorney of said county in any Court of competent jurisdiction in the county. One half the fine shall be paid to the person giving notice of the offence, the balance paid into the Road Fund of the County Treasury.

Blank road
tax receipts.

Obstructions
and penalty.

Penalty for
wilful injury

Boards with
bridge regu-
lations.

Exemption. SEC. 34. The Cities of San José and Santa Clara are exempted from the provisions of this Act.

SEC. 35. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 36. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXLI.—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, A. D. one thousand eight hundred and sixty-three.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is hereby amended so as to read as follows:

**Appoint-
ment of Road
Overseer.** Section 4. The Board of Supervisors of Trinity County shall, at their last regular meeting in each year, appoint one Road Overseer for each road district in said county; and the Clerk of said Board shall, within ten days after such appointment, notify in writing each appointee of his appointment, who shall give bonds for the faithful performance of his duties as provided in section five of the above named Act, and who shall, after giving said bonds, enter upon their duties the first Monday in January succeeding his appointment, and hold his office until the first Monday of the next January, subject to be removed by said Board at any time for inefficiency or inattention to their duties, or for the misapplication of funds. Said Board shall have power to fill vacancies occasioned by the removal, death, resignation, or otherwise, and either for fractional or full terms; *provided*, that for the present year, eighteen hundred and sixty-six, the said Board may appoint Road Overseers for each road district in said county, at the first regular or special meeting of said Board held after the passage of this Act, who shall enter upon their duties as soon as qualified, and shall hold office until their successors are appointed and qualified.

SEC. 2. This Act shall apply to Trinity County only.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXLII.—An Act to define the compensation of certain officers in the County of San Mateo, and to amend existing laws on the subject.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amendment SECTION 1. Section ten (10) of the Act entitled an Act to define and limit the compensation of officers and reduce the

public expenses and taxation in the County of San Mateo, approved February sixth, one thousand eight hundred and sixty-four, is hereby amended so as to read as follows:

Section 10. The following shall be the compensation of officers ^{Compensation} of the County of San Mateo, to be paid them quarterly out of ^{tion.} the County Treasury:

County Judge, one thousand dollars per annum;

District Attorney, five hundred dollars per annum;

Superintendent of Public Schools, three hundred dollars per annum;

County Treasurer, six hundred dollars per annum;

County Auditor, five hundred dollars per annum;

County Assessor, six dollars a day for each day's actual service necessarily rendered in the discharge of his duties; not more than one half of his per diem to be paid until after he shall have completed the general assessment roll of the county according to law; and the whole compensation of the Assessor, for all duties required of him by law, not to exceed eight hundred dollars in any one year, exclusive of his lawful commissions on the collection of poll taxes; all deputies employed by him to be at his own expense; the amount of services rendered by the Assessor, and total compensation for each year, to be ascertained and determined by the Board of Supervisors, subject to the limits aforesaid;

Supervisors, five dollars a day for each day's attendance upon the meetings of the Board of Supervisors, not exceeding twelve days in any one year; but each Supervisor shall, in addition to his aforesaid per diem, be allowed mileage at the rate of ten cents per mile going to and returning from each actual session of the Board, not exceeding twelve sessions in any one year.

SEC. 2. The Act entitled an Act relating to the office of Sheriff ^{Repeal.}

in the County of San Mateo, approved April thirteenth, one thousand eight hundred and fifty-nine, is hereby repealed, and the Sheriff of San Mateo County shall receive such fees and compensation as are allowed in the Act entitled an Act to regulate fees in office in certain counties of this State, approved April twenty-eighth, one thousand eight hundred and fifty-seven; *provided*, that ^{Sheriff's fees} the aggregate amount of fees and compensation to be allowed the Sheriff, in criminal and other cases, when the same are payable out of the County Treasury, shall not exceed the sum of six hundred dollars in any one year; and the Board of Supervisors and County Auditor shall have no power to approve or the Treasurer to pay any greater sum in the aggregate than as aforesaid, but that sum shall be deemed and is hereby declared to be a full compensation to the Sheriff for all services in criminal and other cases when such services are in any manner chargeable to the county.

SEC. [3.] This Act shall take effect from and after its passage, ^{When Act takes effect,} excepting that portion which reduces the salary of the County ^{and exceptions.} Treasurer, which shall not be made until the expiration of the term of office of the present incumbent; also, excepting the proviso which limits the payment of moneys to the Sheriff from the County Treasury to six hundred dollars, which charges [change] shall not be made until the expiration of the term of office of the present incumbent.

CHAP. CCCCXLIII.—An Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section third of said Act is amended so as to read as follows:

Road districts, and Commissioners. Section 3. The road districts shall be of the same extent as the Supervisor districts, subject to such alterations as the Board may determine. The Board of Supervisors shall appoint a Road Commissioner for each road district, who shall give bond to the County of Alameda, in such sum as the Board may fix, for the faithful performance of his duties, but in no case shall a Supervisor act as a Road Commissioner.

Repeal.

SEC. 2. Section fourteen of said Act is hereby repealed.

SEC. 3. Section fifteen of said Act is hereby amended so as to read as follows:

Opening road on payment of damages. Section 15. Upon the payment or tender of the damages assessed by said Board, such land so taken for such road shall be deemed vested in said county for all the purposes of said road, and such road may then be by order of the said Board of Supervisors established and opened across and over the same.

Levy of tax. Section 4. Section twenty of said Act is hereby amended so as to read as follows:

Section 20. The Board of Supervisors shall have power to levy a property tax for road and bridge purposes, not exceeding fifty cents per annum, upon each one hundred dollars upon the real and personal property of said county subject to taxation for State and county purposes, which shall be levied on or before the first day of June in each year, to be levied and collected in the same manner as the State and county taxes are levied and collected; also, to levy a road poll tax annually, not exceeding two dollars to each man, and all such persons as are required by law to pay a State poll tax, to be collected in the same manner as the State poll taxes; and all moneys collected under this Act shall be paid into the County Treasury, and be set apart by the County Treasurer for road and bridge purposes, and shall be called the County Road and Bridge Fund. The Supervisors shall have power to draw their warrants for all road and bridge purposes, including damages allowed by said Board in laying out and opening roads and highways, upon said Fund, and none other.

Road and Bridge Fund. SEC. 5. Sections twenty-one and twenty-two of said Act are hereby repealed.

CHAP. CCCXLIV.—An Act in relation to the City Courts of the City of Oakland.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Mayor of the City of Oakland shall no longer by virtue of his office exercise any of the powers or jurisdiction of a Justice of the Peace, and all parts of Acts conferring upon him such jurisdiction are hereby repealed.

SEC. 2. Section six of an Act to establish a Police Court in the City of Oakland, and define its jurisdiction, duties, and fees of Court and its officers, approved March tenth, eighteen hundred and sixty-six, is hereby amended so as to read as follows:

Section 6. The Judge of said Court shall also have power to hear cases for examination, and may commit and hold the offender to bail for trial in the proper Court, and may try, condemn, or acquit, and carry his judgment into execution, as the case may require, according to law, and punish persons guilty of contempt of Court; and shall have power to issue warrants of arrest in case of a criminal prosecution for a violation of a city ordinance, as well as in case of the violation of the criminal law of the State, also all subpoenas, and all other processes necessary to the full and proper exercise of his powers and jurisdiction; and in such of the cases enumerated in this section in which trial by jury is not secured by the Constitution of the State, he may proceed to judgment in the first instance without a jury, but on appeal the defendant shall be entitled to trial by jury in the County Court.

CHAP. CCCXLV.—An Act to extend the provisions of an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six, and the amendments thereto, approved April eighteenth, one thousand eight hundred and fifty-nine.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows;

SECTION 1. The provisions of an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six, and the amendments thereto, approved April eighteenth, one thousand eight hundred and fifty-nine, are hereby extended and made applicable to Sierra Township, in Sierra County; provided, that the provisions of this Act shall not apply to hogs owned

Act made applicable to portion of Sierra Co.

by any inhabitants of other townships in said county, unless found trespassing upon grounds in said Sierra Township inclosed by lawful fence.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CCCCXLVI.—*An Act to authorize James Nelson to extend his present line of railroad.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority to extend. SECTION 1. Whereas, James Nelson, as assignee of H. J. May, Charles M. Baxter, William Kohl, and their associates, has constructed and has now in operation that certain single track iron railroad provided for and allowed to be constructed under and by virtue of that certain Act of the Legislature of the State of California entitled an Act to grant to H. J. May, C. M. Baxter, William Kohl, and others whom they may associate with them, and their assigns, the right to lay a railroad track along certain streets in the City of Petaluma, and though a public road in the County of Sonoma, approved April eighteenth, eighteen hundred and sixty-two, and an Act amendatory thereof, entitled an Act to amend an Act to grant to H. J. May, C. M. Baxter, Wm. Kohl, and others whom they may associate with them, and their assigns, the right to lay a railroad track along certain streets in the City of Petaluma, and through a public road in the County of Sonoma, approved April eighth, eighteen hundred and sixty-three; now, therefore, it shall be lawful for said James Nelson to extend said road from the present terminus thereof, on Petaluma Creek, in the County of Sonoma, and State of California, down the west side of said creek to a point at or near a place called Eagle Point; and, also, to extend said railroad from its present terminus in the City of Petaluma, through Main street, to a point at or near the Plaza in said city.

Rights and privileges. SEC. 2. The said James Nelson, and his assigns, upon making the extensions provided for in the first section hereof, as the same shall be completed from section to section, of one half mile each, shall have the right to run cars on such extensions in connection with his present railroad, and to collect freight and passage on the same, for the same period, in the same manner, and subject to the same conditions as are expressed and provided for in said Act of the Legislature of the State of California, approved April eighteenth, eighteen hundred and sixty-two, and the said Act amendatory thereof, approved April eighth, eighteen hundred and sixty-three, except that the said Nelson and his assigns shall have five years from and after the passage of this Act within which to construct and complete the extensions provided for in the first section of this Act.

SEC. 3. The extensions of said road herein provided for shall not be allowed to obstruct the navigation of any navigable

stream, and whenever such stream shall be crossed by said extension, a drawbridge shall be constructed for the purpose of such crossing susceptible of being opened for the passage of vessels. Not to obstruct navigation.

CHAP. CCCCXLVII.—An Act to authorize the construction of a tramroad or railroad in the County of Contra Costa.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby granted to O. C. Coffin, Mark Franchise. Shephard, S. Blum, Chas. Sherman, William McCaulley, Hiram Mills, Lorenzo Dutil, N. C. Fassett, Elam Brown, William Meese, U. Huntington, Orris Fales, John Larkey, Andrew Junian, H. P. Penniman, and their executors and assigns, the right to construct and maintain for the period of thirty (30) years, a tramroad or rail road in the County of Contra Costa, from such point at the Town of Martinez, at navigable water in the same, thence by the Town of Pacheco and the Walnut Creek House to the boundary line of the county in Amador Valley, by such line and terminating at such point as shall be selected and determined upon by the said grantees herein named, and their assigns; and they may, if found necessary, at the water terminus of the road at Martinez construct and maintain a wharf; *provided*, that no obstruction to navigation is occasioned thereby. And the said grantees and their assigns shall have the right to commence the work on the said road at such point on the line herein described as may be found desirable; *provided*, the said work shall be commenced within one year and completed within five years from the passage of this Act; but the franchise for such portion of Forfeiture. the line as may be completed shall not be forfeited by failure to complete the whole within the time stated. Commencement, and completion.

SEC. 2. For the purposes named in section one, the parties Rights and privileges. named therein and their assigns are hereby granted all the rights and privileges granted or conferred to or upon railroad corporations by the first eight subdivisions of section number seventeen, (17,) and by section number eighteen, (18,) nineteen, (19,) twenty, (20,) twenty-two, (22,) twenty-three, (23,) twenty-four, (24,) twenty-five, (25,) twenty-six, (26,) twenty-seven, (27,) twenty-eight, (28,) twenty-nine, (29,) thirty, (30,) thirty-one, (31,) thirty-two, (32,) thirty-three, (33,) thirty-four, (34,) thirty-five, (35,) thirty-six, (36,) thirty-seven, (37,) thirty-eight, (38,) thirty-nine, (39,) forty, (40,) forty-one, (41,) forty-two, (42,) forty-three, (43,) forty-four, (44,) forty-five, (45,) forty-six, (46,) fifty-one, (51,) fifty-two, (52,) fifty-three, (53,) and fifty-five, (55,) of an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hun-

dred and sixty-one, and the Acts since passed amendatory of said sections; and by section number two (2) of an Act entitled an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, approved May sixth, eighteen hundred and sixty-two, so far as the provisions of said sections are applicable.

Motive power. SEC. 3. The grantees named in section one may employ as a motive power on the road herein authorized any suitable mechanical or steam engines, or animals, or combination of any or all of them; *provided*, that nothing herein shall be construed to warrant any public offence or nuisance.

CHAP. CCCCCXLVIII.—*An Act to provide for the establishment, maintenance, and protection of public roads in Napa County.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Petition to vacate or alter road.

SECTION 1. Any person or persons proposing to apply for the location, alteration, or vacation of any road or highway, shall file a petition with the Clerk of the Board of Supervisors, which petition shall set forth, specifically, the place of beginning, the intermediate points, if any, a general description of the proposed route, the termination of said road or the particular portion of said road to be altered or vacated, and shall ask for the appointment of Viewers to run said proposed road, alteration, or vacation, and the final confirmation and establishment thereof. Such petition shall be signed by at least ten persons, who shall be tax payers upon real or personal property, and residents of the district or districts in which such proposed road, alteration, or vacation is located.

Notice to owners of land.

SEC. 2. Some one of the parties so petitioning shall give notice to all persons owning or claiming land of the proposed location, alteration or vacation, other than the petitioners, which said notice shall be made by personally serving the said parties so affected by the proposed location, alteration, or vacation, their agents, attorneys, guardians, or tenants in possession, at least ten days prior to the hearing, and in case such owner or claimants are non-residents, a copy of such petition shall be deposited in the Post Office directed to such owner or owners, claimant or claimants, if their residence be known, otherwise to their last known residence. Upon the hearing of said petition by the Board of Supervisors proof shall be made by affidavit that all persons owning or claiming land on said proposed location, alteration, or vacation, have been notified of said application as hereinbefore provided.

SEC. 3. Upon the filing of the petition aforesaid, the petitioners, or some of them, shall enter into a bond, with sufficient

sureties, in the sum of one hundred dollars, said bond to be approved by the County Judge, conditioned that the persons making such application will pay into the County Treasury the amount of all costs or expenses in consequence of such application, for the use of the district or districts through which said proposed alteration, location, or vacation is petitioned for, in case the prayer of the petitioners should not be granted; and should such applicants fail to pay such costs or expenditures within three months after such liability shall have accrued, then the Board of Supervisors shall cause said bond to be delivered to the District Attorney, whose duty it shall be to proceed forthwith to collect all sums due by the makers of the bond according to law.

SEC. 4. Any person or persons owning or claiming lands damages, through or upon which it is proposed to locate and establish a public road or highway, and desiring to apply for damages in consequence of such location, shall make application by petition, in writing, to the Board of Supervisors on the day on which the application for such location shall be made, wherein they shall set forth the particular road referred to, the amount and character of the land affected thereby, and any other circumstances having relation to the subject of damages upon such land, which said petition shall specify the amount and nature of the damages, and shall be verified by the person or persons claiming the same, their agents or attorneys. All persons who fail to make application for damages at the time and in the manner specified in this section, shall be considered as waiving all rights to damages, and as dedicating the lands affected by the proposed location or alteration to the public use as a highway, and their failure so to do shall forever be a bar to any action for damages in any of the Courts of this State.

SEC. 5. Upon the filing of the petition, the bond, and the affidavits of service of notice, as hereinbefore provided, the Board of Supervisors shall appoint as Road Viewers three disinterested citizens, two of whom shall be residents of the district in which said proposed road is to be located, and one of whom shall be a practical surveyor, and shall place in the hands of such Road Viewers the petition for the road which they are to view, together with all applications for damages in the premises, and after taking an oath to perform faithfully the duties devolving upon them by law as such Road Viewers, they shall proceed to view the proposed location, alteration, or vacation, and shall decide whether such proposed location, alteration, or vacation, is required for public convenience, and they shall take into consideration private as well as public interests, and the advantages the proposed location, alteration, or vacation will be to the party or parties claiming damages. If, in the opinion of the Road Viewers, the prayer of the petitioners is reasonable, and the location, alteration, or vacation is necessary to the public convenience, they may take to their assistance two chainmen and a marker, who shall be sworn by one of the Road Viewers, who are each hereby authorized to administer all oaths required by this Act, and shall proceed to survey said proposed location, or alteration, and shall distinctly mark the commencement, the courses, distances, and the termination of said route; and

Bond for payment of expenses.

Road Viewers, and survey of road.

Report.

the Surveyor shall make a plat and field notes of said survey, which shall be filed as a part of the report of said Road Viewers. Within the time fixed by the Board of Supervisors, they shall file with the Clerk of the Board, a report of their proceedings in the premises, in which they shall set forth:

First—Who of them were present;

Second—That they were sworn;

Third—Whether such location, alteration, or vacation, is or is not advisable;

Fourth—A plat and field notes of the survey;

Fifth—The expenses of the view and survey;

Sixth—The amount of damages (if any) sustained, separately, by each applicant for damages;

Seventh—The width of the road, which shall not exceed sixty-six feet.

Establish-
ment of
location.

SEC. 6. Upon the day fixed by the Board of Supervisors for the return of said report and the hearing thereof, which the Board may from time to time continue, the Board of Supervisors shall proceed to consider all the matters touching the original petition for the location, alteration, or vacation of any road, and all subsequent proceedings had thereon, in connection with the report of the Viewers on file, and such evidence as parties interested may introduce touching the same, but no evidence shall be taken at this time concerning damages unless the parties so claiming damages have strictly complied with the provisions of section four of this Act; and if in their opinion the public good and convenience require that the proposed location, alteration, or vacation should be established, they shall confirm the report thereon in whole or in part, as they may deem advisable, and establish said location, or alteration, or as much thereof as they may deem advisable, as a public highway, either absolutely, in which case the damages awarded and the costs which have accrued shall be paid out of the Road Fund of the district or districts through which said road is proposed to be located, and the Board of Supervisors shall order warrants drawn accordingly; *provided*, that if there shall not be sufficient money in the Road Fund of said district or districts to pay said warrants, then the petitioners shall pay or tender to the parties or party claiming damages the damages awarded by the Road Viewers, or by the Board, and take in lieu thereof a warrant or warrants drawn on the Road Fund of the district or districts through which the road runs or is to run; or they may make the establishment conditional upon the payment by the petitioners of all or any part of the damages awarded or the costs which may have accrued. If, in the opinion of the Board of Supervisors, the proposed location, alteration, or vacation is not necessary for the public good, or is not of sufficient importance to warrant the action asked for, they may refuse to confirm the report of the Road Viewers, and may discontinue proceedings in the premises; and they shall then direct the District Attorney to collect

Collection of
expenses.

the expenses which may have accrued during the progress of the proceedings had in the premises, upon the bond provided for in section three of this Act. Whenever any public road is established as contemplated in this Act, it shall be recorded by the Clerk of the Board of Supervisors in a book to be kept for

that purpose, which book will be called the "Road Record" of ~~Road record~~.
the county. Upon the final establishment of any road, and the payment or securing of the damages finally awarded, the Clerk of the Board of Supervisors shall, within ten days thereafter, notify the Road Master or Road Masters of the district or districts within which such road is situated of the establishment thereof, and to furnish him with a specific description of said road; and it shall be the duty of the such [said] Road Master or Road Masters to open such road within thirty days from the reception of such notice, unless for good cause shown the Board of Supervisors may extend the time for opening the same.

SEC. 7. If any person or persons claiming damages on account of the location or alteration of any road under the provisions of this Act, who have complied with section four of this Act, shall be dissatisfied with the award of the Road Viewers, and cannot agree with the Board of Supervisors as to the amount of damages sustained, and shall refuse to receive the same, such person or persons shall, within ten days from the time of final hearing, commence an action against the county, by name, for such damages in a Court of competent jurisdiction, which action shall be conducted in like manner as other actions in civil cases in the Courts of justice of this State, except as hereinafter provided. The complaint shall be in writing; and the summons, with a copy of the complaint, shall be served upon the Clerk of the Board of Supervisors; and said Clerk shall notify in writing the Chairman of said Board and the District Attorney of the commencement of such action, which shall be sufficient notice to the county; and it shall be the duty of the District Attorney to appear on the part of the county and defend all actions commenced under the provisions of this Act. The plaintiff, at the time of filing his complaint, shall also file a bond in the sum of three hundred dollars, with two or more sureties, who shall be residents and house or freeholders of the county, and shall justify that they are each worth, over and above their debts and liabilities and property exempt from execution, double the sum specified in the bond. The conditions of the bond shall be to the effect that the plaintiff will pay all costs awarded to the county, not exceeding the amount of the bond.

SEC. 8. If the plaintiff in the action shall fail to recover a greater amount of damages than was awarded by the Board of Supervisors, or than the amount tendered, all the costs in the case shall be taxed against him and in favor of the county; and if the costs allowed to the county are not paid within thirty days from the time of the entry of the judgment, it shall be the duty of the District Attorney, upon the order of the Board of Supervisors, to proceed upon such bond to recover the same.

SEC. 9. When the action provided for in this Act is in a Justice's Court, it shall be before some Justice in the township wherein the county seat is located; and if there be no Justice in said township, excepting such as are disqualified to act in the case, then the action shall be transferred to the nearest Justice in an adjoining township, and the county shall have ten days in which to answer from the time the complaint is served.

SEC. 10. No road shall be opened or any alteration thereof made until all claims for damages shall have been passed upon

Actions for damages.

Bond for costs.

Where action shall be brought.

Road cannot be opened and determined by the Board of Supervisors; *provided*, that if any person over whose land such road shall pass shall fail to present his claim for damages to the Board of Supervisors, or to file his or her complaint in the proper Court as prescribed in this Act within the time prescribed, said person shall be deemed to have dedicated the land over which such road shall pass to public use; and such person shall be forever barred from bringing or maintaining any action or proceeding for damages therefor, and the road shall be opened according to the provisions of this Act.

Plaintiff and defendant. SEC. 11. In all cases of an application or action for damages under the provisions of this Act, the claimant shall be deemed the plaintiff, and the county the defendant.

Compensation. SEC. 12. Any person performing any service under the provisions of this Act in reference to the view, location, or survey of roads, shall receive as compensation the following per diem each, to wit: Road Surveyor, five dollars; Viewers, three dollars; Assistant Surveyor, two dollars; which sums shall be allowed by the Board of Supervisors, and paid by their order, either by the petitioners or by warrants drawn on the District Road Fund of the district in which such service was performed.

Levy of tax. SEC. 13. At the session of the Board of Supervisors for levying State, county, and other taxes, the said Board shall levy upon each man, except Indians, between the age of twenty-one and sixty years, a road poll tax of not exceeding three dollars, and upon all taxable property in the county a tax for road purposes of not more than fifty cents upon the hundred dollars, which sum shall be levied and collected as all other taxes, as hereinafter provided. And for the purposes of carrying out the provisions of this section so far as the same relates to the levy of the taxes herein provided for, for the year beginning on the first Monday of March, A. D. eighteen hundred and sixty-six, the Board of Supervisors are hereby authorized and required to levy said taxes, which may be done at any time, either at a special meeting of the Board for that purpose or at a regular meeting thereof; and all men between the ages of twenty-one and sixty years, except Indians, who have resided three months in the State, and ten days in the road district, shall pay the road poll tax herein provided for; and all moneys received or collected for such taxes or assessments shall constitute the County Road Fund, which shall be collected, appropriated, and distributed among the different districts as hereinafter provided.

Road Fund.

Payment of tax. The Board of Supervisors, at their regular meeting in February, may make an order to the effect that no labor shall be received in payment of road tax in any road district or districts in the county, and may order that the road poll tax shall be collected by the same officers in the same manner as are now or may be hereafter provided in said county for the collection of other poll taxes, which order shall be entered upon the minutes of the Board, and shall be published four successive weeks in some newspaper published in the county.

Road districts. SEC. 14. It shall be the duty of [the] Board of Supervisors, immediately after the passage of this Act, to call and hold a special meeting for the purpose of dividing the county into a convenient number of road districts, defining the same as clearly

as possible, and numbering the same from one upwards; and ^{Road Master} after said road districts are established and defined, the Board shall immediately proceed to appoint one Road Master in each of said districts, who shall discharge the duties as hereinafter provided, and who shall hold the said office of Road Master until the election of a successor as hereinafter provided.

SEC. 15. At the regular meeting of the Board of Supervisors ^{Election.} at the February term of each year after the passage of this Act, they shall order a special election for Road Master to be held in each of said road districts within thirty days after such order, designating the place within each district at which the polls shall be held, and the time of holding such election, which said election shall be conducted in the same manner as is now provided by law for general elections. At such special election the qualified electors in each road district shall elect some citizen of said road district as Road Master of said district for the term of one year from the date of his election; and it shall be the duty of the Clerk of the Board of Supervisors to notify the person so elected of his election; and he shall thereupon, or within ten ^{Bond.} days thereafter, qualify and give a bond, with two or more sureties, in a sum to be fixed by the Board of Supervisors, for the faithful discharge of the duties of his office, which bond shall be approved by the County Judge; *provided*, that the Board of Supervisors shall fill any vacancy existing in the office of Road Master in the county. It shall be the duty of each Road Master ^{Duties of} ^{Road Master} to have the care and general supervision of the public roads within his district, to maintain them in as good repair, and to erect such necessary bridges and culverts as the means at his command will permit; and he shall also cause suitable guide boards to be erected at the intersection of important roads. He shall oversee and direct the labor expended upon the roads in his district, and see that teams, ploughs, scrapers, and other implements are furnished for the road service. He shall give to each person in his road district who is liable to pay road tax, at least three days' notice of the time and place at which such person shall appear for the purpose of working on the public roads; such notice shall also specify what teams or utensils each person is expected to bring for the road service; *provided*, that the Road Master shall consult the private interests of taxpayers in reference to teams and implements, so far as he may do so without detriment to the public service; *provided*, that when any bridge or culvert shall be broken or injured so as to be impassable or dangerous, or when any road from any cause shall be impassable, or when a new road is required to be opened, the Road Master may call out, without giving the three days' notice as aforesaid, a sufficient number of persons living in the vicinity to repair or open such road, and for any service so done shall issue to the party a receipt as hereinafter provided for labor on highways. Upon completion of the road service required of any ^{Road} ^{receipts.} person to the satisfaction of the Road Master, he shall make out and deliver to such person a receipt for the labor done, at the rate of two dollars per day of not less than eight hours, together with such sums as may be justly due for the use of teams and utensils; and all such receipts shall be presented to the Board of Supervisors, and by them allowed and ordered paid, by war-

Contracts. rants drawn on the fund of the road district in which labor was performed. The Road Master may, with the consent of the Board of Supervisors, make contracts for the purchase of lumber or other material for building bridges or culverts, for grading roads, or any other necessary work upon the highways within his district; but no such contract shall be made when the amount to be expended will probably exceed twenty-five dollars, without having at first given at least fifteen days' notice of the proposed letting of such contract by posting the notice thereof for the period of fifteen days, or by publication two successive weeks in some newspaper published in the county, which notice shall set forth the services or the amount of material required, when and where proposals will be received and opened, and where specifications, if any, may be received and examined; also stating what particulars must enter with the proposals, and the character and time of the payments proposed to be made. Upon the day set forth in such notice for opening the proposals, all the proposals filed in reference to the matter of such notice shall be opened by the Road Master of the district within which the proposed improvements are located, and the proposals of the lowest responsible bidder shall be received; *provided*, that the Road Master may refuse all the proposals, if he deem such action advisable. All payments for the fulfilment of any contract for the purposes heretofore specified, shall be made by warrants drawn on the Road Fund of the district in which the contract was performed. In case of the construction or reparation of a bridge crossing a stream which is the boundary of two districts or two counties, the Road Master and Supervisors of the several districts and counties connected by said bridge shall have and exercise a joint duty and authority over the erection and reparation of said bridge, and the expense thereof shall be equally divided between said districts or counties. It shall be the duty of the Road Master to collect from each person liable therefor, residing within their respective districts, the road poll tax which may be levied by the Board of Supervisors under the provisions of this Act, and issue to the party a receipt therefor, which receipt shall be received by the Tax Collector of the county in payment of the said road poll tax; *provided*, that any person may pay the said road poll tax in labor, at the rate of two dollars per day. To enforce the collection of road poll tax as provided in this Act, the Road Master shall seize so much of any and every species of personal property whatever claimed or owned by any person liable to and refusing or neglecting to pay his road poll tax, or property in the possession of or due from any other person and belonging to such person so refusing or neglecting to pay said tax, as will be sufficient to pay such road poll tax and costs, such costs not to exceed two dollars; and shall and may sell the same at any time or place, upon giving a verbal notice one hour previous to such sale; and any person indebted to another liable to pay said road poll tax, but who has neglected or refused to pay the same, shall be liable to pay said tax for such other person, after service upon him by the Road Master of a notice in writing, stating the name or names of the person or persons so liable and owing such road poll tax; and such debtor may deduct the amount thereof

Bridge over stream between two counties.

Collection of road poll tax

Sale of property.

from such indebtedness. The Road Master, after having deducted the road poll tax for which such property was sold, and the costs hereinbefore provided, shall return the surplus of the proceeds to the owner. A delivery of the possession of the property by the Road Master to the purchaser at any such sale shall be a sufficient title in the purchaser, without exacting a certificate of purchase thereof of the Road Master.

SEC. 16. At the regular meetings of the Board of Supervisors in February, May, August, and November, each Road Master shall prepare a statement of the amount of Road Fund paid in labor within his district, and by whom paid, and the amount paid in cash, and by whom paid, the amount paid for utensils and materials, and to whom paid, the amount paid upon contracts, and to whom and for what paid; and a specific statement of his official acts pertaining to his district, and the number of days or parts of days' services by him actually and necessarily performed in the discharge of his official duties; and shall at the end of the term of his office account for and deliver to his successor in office all tools and implements of every kind or description belonging to his district, and take a receipt therefor, which receipt shall be filed with the Clerk of the Board of Supervisors; and he shall at the end of the term of his office account for and pay over to the County Treasurer all moneys remaining in his hands arising from the collection of road poll taxes, which sum shall be placed to the credit of the Road Fund of his district, all of which particulars shall be verified by his oath; and he shall be allowed in payment of such services such per diem compensation as the Board of Supervisors may deem just, not to exceed four dollars; *provided*, that the Road Master when engaged in superintending work upon the roads in his district, shall not be allowed any compensation for his services where there are a less number than ten persons engaged in such work, unless such Road Master shall work with such persons. Each Road Master shall be liable on his official bond for damages sustained by any person or persons, by reason of the neglect or refusal of such Road Master to repair any broken bridge, or culvert, or any road which shall become impassable within his district, when notified thereof; and he shall be liable on his official bond for any failure, refusal, or neglect to comply with the provisions of this Act.

SEC. 17. In order to carry out the provisions of this Act, it is hereby made the duty of the Assessor of Napa County to assess all persons and all property liable to be taxed, as follows:

First—Every person liable to pay a road poll tax, shall be assessed in the road district in which such person resides; and the Assessor shall place in a separate column, headed "Road Poll Tax," opposite the names of the party assessed, the figure one.

Second—All property liable to taxation shall be assessed in the road districts in which such property is situated, and the Assessor shall make out the assessment roll (using the form now prescribed by law) as follows: He shall commence it with "Road District Number One," which words he shall, in a plain

Report of
Road Master

To deliver up
tools, etc.

Compensa-
tion.

Liable on
bond.

Manner of
assessment.

and legible hand, place over the heading, and, proceeding alphabetically, shall list all property and all persons in such district in the manner prescribed by law. After the completion of District One, he shall proceed in the same manner with "Road District Number Two," and so continue until the completion of the roll, by which assessment roll it shall be made to appear that all property and persons liable to be taxed in each road district are assessed in such district.

Road tax in duplicate assessment roll.

SEC. 18. It shall be the duty of the Auditor, in computing the taxes on the assessment roll, to carry out in a separate money column the amount of the road tax, and with it the road poll tax opposite the amount assessed. He shall also procure suitable and uniform poll tax receipts, which receipts he shall number and sign as such Auditor, and shall deliver, taking a receipt therefor, to each Road Master the number required by such Road Master, which shall be charged to such Road Master in a suitable book kept for such purpose, and each Road Master shall account to the Auditor for such receipts on the last day of such Road Master's official term.

Accounts.

SEC. 19. It shall be the duty of [the] Tax Collector to keep a separate account of the road tax of each road district by him collected, and in his settlements with the Treasurer he shall make a statement of the moneys belonging to each road district, and the Treasurer shall keep his books in such a manner as to show how much road tax has been received, how much paid out, and how much is on hand in each of the road districts; and the Treasurer shall pay all road moneys out upon warrants drawn upon the District Road Funds by order of the Board of Supervisors, and in no other manner. The Board of Supervisors shall cause to be printed and distributed to the various Road Masters proper blank receipts for road tax paid in labor.

Blank receipts.

Obstruc-
tions, and
penalties.

SEC. 20. Any person or persons, or body politic or corporate, who shall obstruct any public highway, either by placing an obstruction therein, or by digging or deepening the waters of any stream, or in any other manner, shall be liable to a prosecution before any Justice of the Peace in the county, and it shall be the duty of the Road Master of any district wherein such obstruction exists, to prosecute for such offence on behalf of the county; and the person so obstructing, shall, on conviction thereof, be punished by a fine of not less than ten or more than fifty dollars, to be collected as other fines; and he shall further be liable, at the suit of the Road Master of the district, in the sum of five dollars for each day that such obstruction is allowed to remain, after being notified to remove or remedy the same.

Penalty for
wilful injury

SEC. 21. Any person or persons who shall wilfully injure or destroy any bridge, or other portion of a public highway, in such manner as shall render the same dangerous or impassable, or who shall cut down or injure any living tree, planted or preserved as a shade or ornamental tree, either in or upon the borders of any public road, shall be guilty of malicious mischief, and upon conviction thereof before any Justice of the Peace, shall be punished by a fine of not more than one hundred dollars, or imprisonment in the County Jail for not more than thirty days, or by both fine and imprisonment, and it shall be the duty of the Road Master in any district, to prosecute in behalf of the

county, any person so offending within his road district. All fines collected under the provisions of this Act shall be paid into the County Treasury, and become part of the Road Fund of the district in which said malicious mischief was committed.

SEC. 22. All assessments heretofore made and levied for road purposes in Napa County, under and by virtue of existing laws, shall be collected and appropriated to the payment of the existing indebtedness against the Road Funds of said county; and, provided, the amount so levied shall be insufficient to pay such indebtedness, it shall be the duty of the Board of Supervisors of said county to levy such further tax in the year eighteen hundred and sixty-seven as may be required to pay such remaining indebtedness. Should the amount of tax collected, as in this section provided, exceed the indebtedness, the balance shall be distributed among the District Road Funds according to the amount raised in the several road districts. Taxes due any Road Fund, general or special, may be paid by warrants drawn on that fund, and the Tax Collector is hereby authorized to receive payment of assessments for Road Funds by warrants drawn on such funds. In case the amount of the warrant exceeds the amount of taxes due, the Tax Collector may receive the warrant, and give to the holder a statement or certificate of the excess, indorsing the same upon the warrant, which statement shall be equivalent to a warrant upon such Road Fund for such excess.

SEC. 23. An Act entitled an Act to authorize the Board of Supervisors of Napa County to levy a special tax to improve the public roads leading from Napa Valley to Lake County, approved January fifteenth, eighteen hundred and sixty-four, is hereby repealed; also an Act entitled an Act to authorize and require the Board of Supervisors of the Counties of Napa and Lake, respectively, to levy a special tax for the purpose of improving and repairing the public highways connecting Napa City and Lakeport, approved March third, eighteen hundred and sixty-three, and all Acts amendatory of and supplemental thereto, so far as the same relate to Napa County, are hereby repealed, and all Acts and parts of Acts in conflict with or inconsistent with the provisions of this Act, so far as they relate to Napa County, are hereby repealed.

SEC. 24. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXLIX.—An Act to reorganize and provide for the Institution for the education and care of the Deaf and Dumb, and the Blind, in the State of California.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. J. P. Whitney, I. P. Rankin, B. H. Randolph, J. Directors. A. Benton, and William Sherman, are hereby constituted a

~~Termsoffice~~ Board of Directors of the Institution for the education and care of the Deaf, Dumb, and the Blind of California. They shall be divided into two classes: The first and second, in the order of their names herein recorded, shall go out of office at the expiration of two years from the passage of this Act, and the third, fourth, and fifth, shall go out of office at the expiration of four years from the passage of this Act; and their successors, who shall hold office for four years, and until their successors shall be elected and qualified, shall be elected by the Legislature in joint convention. In case of a vacancy from any cause, the same may be filled by appointment of the Governor, until the next meeting of the Legislature, when that body shall fill said vacancy for the unexpired term only.

Rights, and meeting. SEC. 2. Said Directors shall be known by the name and style of the "Directors of the Institution for the Deaf and Dumb, and the Blind," and by that name they and their successors shall be known in law, may sue and be sued in any of the Courts in this State, and may receive and hold property, real and personal, for the use and benefit of said institution. Before entering upon their duties they shall qualify by taking the usual oath of office, and shall meet within twenty days after the passage of this Act, and organize by the election of a President, Vice-President, Treasurer, and Secretary.

Powers and duties. SEC. 3. Said Directors shall have the general management of the affairs of said institution; shall adopt by-laws for their own government and for the government of the institution, not in conflict with the laws of this State or of the United States; shall fix the compensation of the teachers and employees; shall cause to be kept a full and complete record of their official transactions in books provided for the purpose; shall hold stated meetings at the institution, quarterly, and a majority of the Board shall constitute a quorum for the transaction of business. They shall, at such meetings, and on other occasions at their discretion, make thorough inquiry into all of the departments of labor and expense, and a careful examination of the property and general condition of said institution, and submit to the Governor of the State, under oath, on or before the second Monday of November next preceding each session of the Legislature, a report showing the receipts and expenditures, the condition of the institution, the number of pupils received, discharged, and deceased the past two years, the number remaining in the institution on the last day of September next preceding the meetings of the Legislature, to which time the biennial reports shall be made up, and such other matters touching the general interest of the deaf and dumb, and the blind, as they may deem advisable.

Biennial report. SEC. 4. The Directors shall not be directly or indirectly interested in any contract or contracts connected in any way with said institution, but shall receive for their services the sum of one hundred dollars annually for each Director, to be paid as other indebtedness of the institution.

Salary. SEC. 5. The Board of Directors may suspend or expel any one of their number for misdemeanor in office; *provided*, that no such action shall be had until the party sought to be suspended or expelled shall be heard by counsel or otherwise in

Shall not be interested in contracts.

Suspension, and expulsion.

his defence; and, *provided*, further, that the proceedings in such case shall be made a matter of record.

SEC. 6. The Treasurer shall hold office for two years, and until ^{Treasurer.} his successor in office shall be elected and qualified. Before entering upon his duties he shall qualify by taking the usual oath of office, and shall give bond, with good and sufficient sureties, in the sum of ten thousand dollars, payable to the State of California, to be approved by the Directors, conditioned for the faithful performance of his duties herein defined and prescribed by the by-laws, and for the delivery to his successor of all books, papers, moneys, vouchers, and effects held by him in virtue of his office. The Treasurer shall keep correct accounts of the receipts and expenditures, assets and liabilities of the institution; shall render to the Directors quarterly, a statement, under oath, of the expenditures and receipts of the preceding quarter, and shall perform such other duties as the Directors may require of him. He shall have an annual salary of five hundred dollars.

SEC. 7. Said Directors shall elect one Principal Teacher, who ^{Principal} _{Teacher.} shall hold office at the discretion of the Directors. He shall have had not less than three years' experience in the art of instructing the deaf and dumb. Said Principal shall reside ^{salary.} within the institution, and shall receive such salary as may be determined by the Board of Directors, not to exceed the sum of three thousand dollars per annum, payable monthly in like manner as other indebtedness of the institution shall be paid. Before entering upon the discharge of the duties of his office he ^{Bond.} shall qualify by taking the usual oath of office, and shall execute and deliver to the Board of Directors a bond, with good and sufficient sureties, to be approved by said Board, in the sum of five thousand dollars, conditioned for the delivery to his successor in office of all books, papers, records, property, and effects, held by him by virtue of his office.

SEC. 8. The Principal shall be the chief executive officer of ^{Powers} _{and duties.} the institution. He shall have the superintendence of the buildings, grounds, and property of the institution, subject to the regulations prescribed by the by-laws. He shall have the sole control of the pupils, superintend their management, and adopt such system or systems of instruction as he may judge best. He shall, with the consent of the Board of Directors, appoint so many assistant teachers and employés as he may deem necessary for the economical and efficient performance of the business of the institution, prescribe their several duties, and remove any of them, subject to the approval of the Board. He shall also give, from time to time, such orders and instructions as he may judge best to insure good conduct, fidelity, and economy, in every department of the institution; and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce uniform obedience to all of the rules and regulations instituted from time to time, as occasion may require.

SEC. 9. The Principal is further required to estimate, quarterly in advance, the probable expenses of the institution, and submit the same to the Directors at their stated meetings for their approval; said estimates being based upon the monthly reports, showing the number of pupils in actual attendance, the ^{Estimate of} _{probable} _{expenses.}

Accounts,
and records.

amount of service rendered by the instructors and employés, and such other matters required for the efficient performance of the business of the institution as nearly as can be ascertained; and the Controller of the State is hereby authorized and directed to draw his warrants for the amounts thus ascertained and approved, in monthly instalments, in favor of the Directors; and the Treasurer of State is hereby authorized and required to pay the same out of any money appropriated or set apart by law for the maintenance of said institution. The Principal shall cause full and fair accounts and records of his official transactions to be kept from day to day, in books provided for the purpose, in the manner and to the extent prescribed by the by-laws; and he shall see that all of his accounts and records shall be fully made up to the first day of October next preceding the meetings of the Legislature, and the principal facts and results, with a report thereon, presented to the Directors as soon as possible thereafter, that they may submit the same and a report therewith to the Governor (who shall transmit the same to the Legislature) on or before the second Monday of November next following.

Dismissal of
teachers or
employés.

SEC. 10. If any teacher or employé of said institution holding a position under appointment by the Principal, shall be considered by the Directors to be unfit for such position, the Board shall notify the Principal; and if after such notice the Principal shall refuse to discharge such teacher or employé, he or she may be removed by the Directors; *provided*, that after said teacher or employé shall be heard in his or her defence, a majority of the whole Board shall so determine.

Who may
receive ben-
efits of
institution,
and price.

SEC. 11. All deaf or blind persons between six and twenty-five years of age, that are not mentally or physically incapacitated to receive an education, that are free from contagious or offensive diseases, whose parents or guardians reside on the Pacific coast beyond the limits of this State, may receive all of the benefits of said institution on payment, made quarterly in advance, of three hundred dollars annually each, and of fifty dollars a year each for clothes, in case of not being otherwise sufficiently supplied therewith, to be paid into the Treasury of the State for the benefit of the institution; and the benefits of said institution shall be free to all such deaf or blind persons hereinbefore described whose parents or guardians reside in the State of California; said benefits to accrue to every one for at least seven years after each shall have attained the age of twelve years; and an inability to hear ordinary conversation, or to read ordinary printed matter by reason of defective sight, shall be considered deafness or blindness within the meaning of this Act.

"Blindness"
and "deaf-
ness" con-
strued.

SEC. 12. This Act shall take effect immediately, and all Acts or parts of Acts inconsistent therewith are hereby repealed.

CHAP. CCCCLI.—An Act to confer certain powers on night watchmen in towns and villages in the County of Calaveras.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful, and it is hereby made the duty ^{Sheriff shall} ~~deputize~~ of the Sheriff of Calaveras County to issue deputations to the ~~deputies~~ parties herein specified.

SEC. 2. Whenever the residents in any town or village in ~~Watchmen~~ Calaveras County shall deem it proper to select one or more night or day watchmen, whose duty it shall be to preserve the peace, to prevent depredation on private property, and accidental fires, proper evidence of such selection (*provided*, a majority of householders unite in such selection) shall be given to the Sheriff of said county, who shall thereupon issue his delegation to such person or persons so selected, describing him or them therein, and the limits of the locality or beat for which he or they may be selected as watchman or patrolman; and such delegation shall confer the same powers to such person or persons as are exercised by policemen in cities to detect crime and prevent breaches of the peace, and arrest parties guilty of such.

SEC. 3. It shall be lawful, and every person appointed by virtue of this Act for the purposes hereby intended is invested with power to arrest persons engaged in or exciting to street brawls or fights, or in using violent, profane, and indecent language in saloons and places of public resort at night, to pursue and arrest persons attempting to commit or having committed burglary, larceny, or any other crime punishable by law; and for this purpose, while on his beat and during the hours of his watch, he is hereby authorized to exercise the powers of policemen in cities, and none other; *provided*, that in no case shall he ~~No fees.~~ be entitled to demand fees for arrests, or make any charge against the County of Calaveras.

SEC. 4. This Act shall take effect immediately.

CHAP. CCCCLI.—An Act in relation to the office of Tax Collector of the City and County of San Francisco.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. During the entire year the Tax Collector of the ~~City and County of San Francisco shall, with the consent of the Board of Supervisors, be allowed, in addition to the deputies now allowed by law, one deputy, at a salary of one hundred and fifty dollars per month, payable monthly by the Treasurer~~ ^{Deputy, and salary.}

out of the General Fund, upon the audit [order] of the City and County Auditor, who is hereby directed to audit the same.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCLII.—An Act to allow the Western Pacific and the San Francisco and San José Railroad Companies and other parties the right to take gravel from the channel of Cayote Creek, in the County of Santa Clara.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Right to take gravel. SECTION 1. It shall be lawful for the corporations known as the "Western Pacific" and "San Francisco and San José Railroad" Companies, and for any person resident in the County of Santa Clara, to take and use, and the right is hereby granted to said companies, and other parties resident of said county, to take and use gravel from the bed or channel of the creek called the Cayote Creek, in the County of Santa Clara, and for that purpose a right of way on and along the channel or bed of said Cayote Creek is hereby granted; said gravel so taken to be used for ballasting and repairing said companies' roads, and for such other purposes as other parties taking such gravel may deem necessary; *provided*, that the rights herein granted shall not interfere with vested rights, or property of any person owning or possessing land adjoining said Cayote Creek, but shall only apply to any and all property of the State therein.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLIII.—An Act to provide for the construction of a turnpike road from Lake County across the mountain to Yolo County.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise. SECTION 1. William D. Fiske and his associates or assigns are hereby authorized and empowered to construct and maintain a wagon road, commencing at some point near Knoxville, in Lake County, on the present wagon road leading from Lower Lake, in Lake County, to Suisun, in Solano County, and running in an easterly direction across the mountain which divides the waters of Cache and Putah Creeks, and extending easterly until it joins the public road in Cache Creek Cañon leading to Woodland, in Yolo County; *provided*, said road shall in no manner interfere with any public road in Lake or Yolo Counties. And

the State hereby grants to the said William D. Fiske and his associates, and their successors in interest, the right of way, use and occupancy of the lands of this State for the purposes of said road, not to exceed one hundred feet in width, for the term of twenty-five years; and, *provided*, nothing in this Act shall be held or construed so as to authorize said William D. Fiske and his associates, or their successors in interest, to appropriate the lands or possessions of any person or persons for said road without the consent of said person or persons, or without condemning the same, in the same manner as is provided for condemning lands for railroad purposes.

SEC. 2. Said William D. Fiske and his associates, or their successors in interest, shall commence the construction of said road within six months and complete the same within eighteen months from and after the passage of this Act; and they are hereby authorized to charge and collect such tolls as may be fixed by the Board of Supervisors of Yolo County; *provided*, that ^{commencement, and completion.} _{tolls.} said Board shall not establish or reduce the rates of toll so as to make the income of said road, after paying for necessary repairs and collections of tolls, less than fifteen nor more than thirty per cent per annum upon the amount actually expended in the construction of said road.

SEC. 3. The said grantees shall keep a signboard posted at some point on said road in view of all passengers, showing the rates of toll and regulations of said road; and they may at any time throw open their road for such period as they may deem proper, by posting a notice of the same on the board showing the rates of toll of said road; and during the time that said road remains so opened, said grantees or their successors in interest shall not collect tolls on said road, nor be required to keep said road in repair, and shall not be liable for damages accruing in consequence of defects therein.

SEC. 4. The Boards of Supervisors of the Counties of Yolo and Lake, or either of them, shall have the privilege of purchasing said road entire, with all rights, titles, and interests acquired under this franchise from the said William D. Fiske and his associates and assigns at a sum not exceeding its original cost at any time the said Board of either of the said counties may desire, for the purpose of a free road.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLIV.—*An Act authorizing Jos. Morrill, John Montgomery, T. F. Miller, and others, to construct a wagon road from Susanville, in Lassen County, to the Owyhee River.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jos. Morrill, John Montgomery, T. F. Miller, ^{Franchise.} R. J. Walsh, F. W. Day, M. H. Darrach, and their associates, are

hereby authorized and empowered to construct and keep in repair a wagon road, commencing at the Town of Susanville, in Lassen County, to the State line, and running thence by the most practicable and direct line to the Owyhee River.

Name, and rights. SEC. 2. Said grantees shall be known as the California, Idaho, and Montana Wagon Road Company, and shall have authority to issue certificates of stock, appoint officers, agents, and employés, and define their duties, and make and adopt by-laws and regulations not inconsistent with the Constitution and laws of this State for carrying out the objects specified in this Act.

Tolls, and toll gates. SEC. 3. Said grantees shall have the right to erect and maintain one toll gate for each section of twenty miles of said road, as the same may be constructed within this State, and shall have the right to levy and collect tolls thereat for all animals or vehicles travelling upon the line of said road; *provided*, the toll to be collected at each of said gates shall not exceed the following rates, to wit:

For each vehicle drawn by one animal, fifty cents;
 For each vehicle drawn by two animals, seventy-five cents;
 And for each additional animal, twenty-five cents;
 For each horseman, twenty-five cents;
 For each pack animal, twelve and a half cents;
 Loose stock, five cents each;

For sheep and swine, three cents each.

Commencement, and completion. SEC. 4. The said grantees shall have eight months from and after the first day of April, eighteen hundred and sixty-six, to complete the survey and location of said road, and three years after the said date to complete the construction of said road.

Construction SEC. 5. Said grantees shall construct a good substantial road for the passage of loaded teams, and shall keep the bridges, grades, and culverts in good order, and shall exercise the rights and privileges herein granted for the period of twenty-five years; *provided*, that said road shall be kept in good travelling order between the first day of May and the first day of November of each year.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLV.—An Act to provide for the division of Sutter County into Assessment Districts, for the election of District Assessors, and to define their duties, liabilities, and compensation.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Districts. SECTION 1. There shall be in the County of Sutter three Assessment Districts, corresponding to the three Supervisor Districts as they are now or may be hereafter set apart and bounded by the Board of Supervisors, numbered One, Two, and Three.

SEC. 2. At the next general election for county officers, and every two years thereafter, there shall be elected in the County of Sutter an Assessor for each Assessment District in the county, who shall be a qualified elector in the district in which he shall be a candidate, and shall only be voted for and elected by the electors of said district. The election of said District Assessors, the returns, canvass, and other particulars relating thereto, shall conform to the requirements of law concerning other county and township officers, and be subject to the same rules. The District Assessors shall take possession of their offices and occupy them for the same time as is now provided by law for County Assessors.

SEC. 3. Before entering upon the duties of their respective ^{bond.} offices, the District Assessors aforesaid shall each execute a bond in favor of the people of the State of California, in the penal sum of eighteen hundred dollars, to be approved by the County Judge of said county, conditioned for the faithful performance of all the duties which now are or hereafter may be required by law, and shall take the oath of office, to be indorsed upon his certificate of election.

SEC. 4. Each District Assessor shall enter upon, perform, ^{Assessment.} make returns of, and complete the assessment of the real, personal, and mixed property within his district, in the same manner, within the same time, and subject to the same rules as is now required by law concerning County Assessor.

SEC. 5. In addition to the duties heretofore required of the County Assessor, it shall be the duty of the District Assessors ^{To collect State poll tax.} to collect and account for the State poll tax of all persons within their respective districts who are required by law to pay the same, and shall be subject to the same rules, be possessed of the same powers, receive the same compensation, settle in the same manner and at the same time, and be liable to the same penalties for neglect or malfeasance as is now provided by law concerning the Sheriff of Sutter County as Collector of said poll tax. The Assessors shall have and it is hereby made their duty to examine, ^{To examine employer or agent.} under oath or affirmation any employer or agent touching the name or names, residence or property, of any person or persons in the employ or service of said employer or agent who is liable to pay poll tax; and if the employer or agent are indebted to said person or persons, he may be made responsible for his or their poll tax.

SEC. 6. It shall be the duty of the Board of Supervisors, when they meet each year as a Board of Equalization, to have administered to each District Assessor (by the Clerk) an oath or affirmation that he has used due diligence in the performance of all the duties required of him by law; that he has not omitted or neglected to assess any property owned or held within his district; that the valuation on his roll represents the true cash value of all property returned, (or if there be exceptions, specifying the same;) that the time for which he has charged was actually and necessarily employed in the discharge of his official duties; and that he has used due diligence and made every effort which he lawfully might to collect the poll tax of each person liable to pay the same in his district. The Board may also scrutinize the acts of said officers, ask any other and further

hereby authorized and empowered to construct and keep in repair a wagon road, commencing at the Town of Susanville, in Lassen County, to the State line, and running thence by the most practicable and direct line to the Owyhee River.

Name, and rights. SEC. 2. Said grantees shall be known as the California, Idaho, and Montana Wagon Road Company, and shall have authority to issue certificates of stock, appoint officers, agents, and employés, and define their duties, and make and adopt by-laws and regulations not inconsistent with the Constitution and laws of this State for carrying out the objects specified in this Act.

Tolls, and toll gates. SEC. 3. Said grantees shall have the right to erect and maintain one toll gate for each section of twenty miles of said road, as the same may be constructed within this State, and shall have the right to levy and collect tolls thereat for all animals or vehicles travelling upon the line of said road; *provided*, the toll to be collected at each of said gates shall not exceed the following rates, to wit:

For each vehicle drawn by one animal, fifty cents;
For each vehicle drawn by two animals, seventy-five cents;
And for each additional animal, twenty-five cents;
For each horseman, twenty-five cents;
For each pack animal, twelve and a half cents;
Loose stock, five cents each;
For sheep and swine, three cents each.

Commencement, and completion. SEC. 4. The said grantees shall have eight months from and after the first day of April, eighteen hundred and sixty-six, to complete the survey and location of said road, and three years after the said date to complete the construction of said road.

Construction SEC. 5. Said grantees shall construct a good substantial road for the passage of loaded teams, and shall keep the bridges, grades, and culverts in good order, and shall exercise the rights and privileges herein granted for the period of twenty-five years; *provided*, that said road shall be kept in good travelling order between the first day of May and the first day of November of each year.

Term of franchise. SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLV.—An Act to provide for the division of Sutter County into Assessment Districts, for the election of District Assessors, and to define their duties, liabilities, and compensation.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Districts. SECTION 1. There shall be in the County of Sutter three Assessment Districts, corresponding to the three Supervisor Districts as they are now or may be hereafter set apart and bounded by the Board of Supervisors, numbered One, Two, and Three.

SEC. 2. At the next general election for county officers, and every two years thereafter, there shall be elected in the County of Sutter an Assessor for each Assessment District in the county, who shall be a qualified elector in the district in which he shall be a candidate, and shall only be voted for and elected by the electors of said district. The election of said District Assessors, the returns, canvass, and other particulars relating thereto, shall conform to the requirements of law concerning other county and township officers, and be subject to the same rules. The District Assessors shall take possession of their offices and occupy them for the same time as is now provided by law for County Assessors.

SEC. 3. Before entering upon the duties of their respective ^{Bond.} offices, the District Assessors aforesaid shall each execute a bond in favor of the people of the State of California, in the penal sum of eighteen hundred dollars, to be approved by the County Judge of said county, conditioned for the faithful performance of all the duties which now are or hereafter may be required by law, and shall take the oath of office, to be indorsed upon his certificate of election.

SEC. 4. Each District Assessor shall enter upon, perform, ^{Assessment.} make returns of, and complete the assessment of the real, personal, and mixed property within his district, in the same manner, within the same time, and subject to the same rules as is now required by law concerning County Assessor.

SEC. 5. In addition to the duties heretofore required of the County Assessor, it shall be the duty of the District Assessors ^{To collect State poll tax.} to collect and account for the State poll tax of all persons within their respective districts who are required by law to pay the same, and shall be subject to the same rules, be possessed of the same powers, receive the same compensation, settle in the same manner and at the same time, and be liable to the same penalties for neglect or malfeasance as is now provided by law concerning the Sheriff of Sutter County as Collector of said poll tax. The ^{To examine employer or agent.} Assessors shall have and it is hereby made their duty to examine, under oath or affirmation any employer or agent touching the name or names, residence or property, of any person or persons in the employ or service of said employer or agent who is liable to pay poll tax; and if the employer or agent are indebted to said person or persons, he may be made responsible for his or their poll tax.

SEC. 6. It shall be the duty of the Board of Supervisors, when they meet each year as a Board of Equalization, to have administered to each District Assessor (by the Clerk) an oath or affirmation that he has used due diligence in the performance of all the duties required of him by law; that he has not omitted or neglected to assess any property owned or held within his district; that the valuation on his roll represents the true cash value of all property returned, (or if there be exceptions, specifying the same;) that the time for which he has charged was actually and necessarily employed in the discharge of his official duties; and that he has used due diligence and made every effort which he lawfully might to collect the poll tax of each person liable to pay the same in his district. The Board may also scrutinize the acts of ^{To make oath that he has performed his duties.} said officers, ask any other and further

Salary.

questions as they may deem pertinent, and hear and examine a citizen or property holder of either of said districts against either of said officers ; and after such examination, and satisfying themselves of the time necessarily and properly employed, shall allow each of said officers compensation for each day so employed, at a rate not exceeding six dollars per day; *provided*, that the aggregate sum so allowed to all of said Assessors shall not exceed the sum of one thousand dollars per annum, exclusive of the fees allowed by law for the collection of poll tax.

Assessors to meet and determine uniform rule of valuation.

SEC. 7. The Assessors of the several districts shall meet together at the office of the Board of Supervisors, who shall be present on the second Monday in March in each year, and classify the several descriptions of property to be assessed, for the purpose of determining upon the mode and manner of valuing the several classes and descriptions of property required to be assessed in the county, and shall then and there agree upon a uniform rule of valuation. The Board of Supervisors shall furnish the Assessors with suitable books, such as may be required in the performance of their duties.

Vacancy.

SEC. 8. In case any Assessor shall fail to qualify by the provisions of this Act, or in case said office of District Assessor shall become vacant in any manner, then the Board of Supervisors shall appoint some suitable person residing within the district to fill said vacancy, and the person thus appointed shall qualify in the same manner as if elected by the people.

Office abolished.

SEC. 9. From and after the first Monday in March, A. D. eighteen hundred and sixty-eight, the office of County Assessor in the County of Sutter shall be abolished. All Acts and parts of Acts in conflict with the provisions of this Act, so far as they relate to the County of Sutter, are hereby repealed.

CHAP. CCCCLVI.—*An Act amendatory of and supplemental to an Act entitled an Act to establish and maintain public pounds for the better securing of estrays and other stock in the County of San Joaquin.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Impounding

Section 2. Any person may impound any swine, neat cattle, horses, mules, jacks, jennets, sheep, goats, or other stock that shall be found doing damage in his inclosure, (whether the same be inclosed by a lawful fence or not,) or any such creature found going at large in any highway, or street, or on any common, in violation of the laws of the State.

SEC. 2. Section twenty-one of said Act is hereby amended so as to read as follows:

Section 21. If the Supervisors shall fail or neglect to provide pounds and appoint Pound Keepers as provided by the first

section of this Act, it shall and may be lawful for the person so taking up creatures from trespassing on his lands or otherwise, ^{when there are no public pounds.} as mentioned in section two, to take and impound the same in his own barns, or inclosures, or such as may be provided by him for the purpose; and he shall receive the same fees therefor as provided in section nineteen to be paid to the Pound Keeper, and such person shall comply in all respects with sections four, five, and seven of this Act.

SEC. 3. Section twenty-two of said Act is hereby amended so as to read as follows:

Section 22. Navigable rivers shall be considered lawful fences ^{fences.} for the purposes of this Act.

SEC. 4. All Acts and parts of Acts inconsistent with the provisions of said Act as amended are for the purposes of the same hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage, and shall apply to that part of San Joaquin ^{Applied to certain locality.} only which lies north of the Mokelumne River, in said county.

CHAP. CCCCLVII.—An Act to legalize an order of the Board of Supervisors of the City and County of San Francisco granting the use of certain streets to the Front Street, Mission, and Ocean Railroad Company.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An order of the Board of Supervisors of the City and County of San Francisco, Number Six Hundred and Fifteen, passed on the twentieth day of February, eighteen hundred and sixty-five, granting to the Front Street, Mission, and Ocean Railroad Company, subject to the provisions of an Act to authorize William F. Nelson and his associates to lay down and maintain a railroad within the City and County of San Francisco, the use of Sutter street from the east line of Larkin street to the west line of Polk street, and also of Polk street from its intersection with Sutter street to its intersection with Broadway street, for the purposes of said railroad, is hereby fully legalized and confirmed.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCLVIII.—*An Act amendatory of and supplementary to an Act entitled an Act for the better protection of the Treasury of the County of Placer, approved April sixth, one thousand eight hundred and sixty-threes.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Board of Examiners.] Section 1. The Chairman of the Board of Supervisors of the County of Placer, together with the County Clerk and District Attorney of said county, are hereby constituted a Board of Examiners of the books of the Treasurer of the County of Placer and the money in the Treasury of said county.

SEC. 2. Salaried officers performing duties of Board of Examiners as provided for in this Act shall not receive any per diem or fees for such duties.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLIX.—*An Act to amend an Act to fix the compensation of the Board of Supervisors of Yolo County, approved February sixth, eighteen hundred and sixty-four.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an Act entitled an Act to fix the compensation of the Board of Supervisors of Yolo County, approved February sixth, one thousand eight hundred and sixty-four, is hereby amended so as to read as follows:

Salary. Section 1. Each member of the Board of Supervisors of the County of Yolo, and the Clerk of said Board, shall be entitled to receive for their services for each day's necessary attendance on the business of the county, the sum of six dollars per day; *provided*, no member of said Board shall receive more than four hundred dollars in the aggregate for any one year.

SEC. 2. All Acts and parts of Acts in conflict with any provisions of this Act are hereby repealed.

SEC. 3. This Act to take effect and be in force from and after its passage.

CHAP. CCCCLX.—An Act authorizing the Board of Supervisors of Plumas County to aid in constructing certain wagon roads in said county.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Plumas County, at a special meeting to be held for that purpose on the third Monday of April next, shall order a special election to be held in said county, at the several places for holding elections therein, on or before the first day of May next, for the purpose of submitting to the qualified electors of said county the proposition to issue bonds of said county, not to exceed in the aggregate the sum of one hundred thousand dollars, to aid in the construction of the following named wagon roads, to wit: the Quincy and Indian Valley Wagon Road, commencing at the Town of Quincy, thence down Spanish Creek and up Indian Creek to Indian Valley, in Plumas County; also, the Quincy and La Porte Wagon Road, commencing at the Town of Quincy and running thence via Nelson Point, Dickson Creek, and Onion Valley, in said county, to La Porte, in Sierra County; also, the Oroville and Beckworth Pass Wagon Road, hereafter to be located and constructed under the provisions and grants contained in an Act passed at this session of the Legislature, entitled an Act to provide for the construction of a wagon road from the Town of Oroville, in the County of Butte, to Beckworth's Pass, in Plumas County.

SEC. 2. Said Board shall cause notice of at least one week publication of notice. to be published in some newspaper published in said county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon, and shall cause a like notice to be posted for the same length of time at each precinct in said county. Said Board shall also cause ballots to be prepared with the words: "For issuing bonds in the sum of one hundred thousand dollars, to aid in constructing certain wagon roads," printed thereon. Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon, and every ballot against said proposition shall have the word "No" written or printed thereon. Said Board shall appoint officers of election, and the election shall be conducted in all respects, and the returns shall be made up, certified, and sent to the County Clerk as provided by law in case of other elections. The Board of Supervisors shall meet at the expiration of one week from the day of said election, and shall open the returns, count the votes, and declare the result, the same as in other elections.

SEC. 3. If, at said election, a greater number of the electors of said county, voting upon said proposition, shall vote "Yes" to issue. than shall vote "No," then and in that event is the Board of Supervisors of said county, in the name of said county, hereby authorized, empowered, and directed, to issue the bonds of said county to the amount of one hundred thousand dollars for the purposes mentioned in section one of this Act, to the parties, at the times, and in the manner hereinafter provided.

Road divided into sections. SEC. 4. The Quincy and Indian Valley Wagon Road, for the purposes of this Act, shall be divided into two sections, numbered Section One and Section Two. Section One of said road shall commence at Main street in the Town of Quincy, and run thence along the line of the survey of said road for the distance of ten miles. Section Two shall commence at the termini of Section One and run along the line of the survey of said road to Arlington, in Indian Valley.

Completion of Section 1, and report. SEC. 5. Upon the completion of Section One of the Quincy and Indian Valley Wagon Road, the Board of Directors of said road company shall file with the Clerk of the Board of Supervisors of said county a notice of such completion, together with their affidavit of the actual cost of constructing said section of road, and at the next meeting of the Board of Supervisors thereafter they shall appoint one of their number to examine and report to said Board, within ten days from the time of such appointment, the manner in which said section of road had been completed.

Issue and delivery of bonds. SEC. 6. If it shall appear to the satisfaction of the Board of Supervisors, from such report or from other testimony, that the said section of road had been well constructed, at least twelve feet wide, on solid ground, on an easy grade, with good and sufficient turnouts for wagons, in sight of each other along the whole length of it, then the said Board of Supervisors shall forthwith, by order, direct their Chairman, in conjunction with the Auditor and Treasurer of said county, who, for the purposes of this Act, in addition to their other duties as such officers, and their successors in office, shall constitute a Board of Commissioners, to be styled the "Bond Commissioners" of said County, as such Bond Commissioners to issue bonds to the amount of five thousand dollars of a denomination not less than one hundred nor more than one thousand dollars. The principal of said bonds shall be made payable on a specified day, to be named in said bonds, which day shall be ten years from the date of their issue. Said bonds shall draw interest at the rate of ten per cent per annum from the date of their issue, and said interest shall be made payable on a specified day, to be named in coupons, and both the principal and interest shall be made payable in United States gold coin, at the office of the County Treasurer of Plumas County. Said bonds shall be signed by the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said County, as such officers and *ex officio* Bond Commissioners, and when so signed shall be presented by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same, as such Clerk, in the presence of a quorum of such Board, at a meeting thereof, and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered in a book to be kept for that purpose, together with the number, date, and amount of each bond so countersigned by such Clerk, and it shall then be the duty of the Board of Supervisors to cause the seal of said county to be affixed to each bond, and appoint one of their number to deliver said bonds to the Quincy and Indian Valley Wagon Road Company, to whom the same shall be issued, who shall take a receipt from the Secretary of

said wagon road company for the bonds so delivered by him, setting forth the number, dates, and amounts of the bonds so delivered, and report the same to the Board of Supervisors.

SEC. 7. Upon the completion of Section Two of the Quincy and Indian Valley Wagon Road, and upon the Board of Directors of said road company filing the notice and affidavit as required in section five of this Act, and upon its being proven to the satisfaction of the Board of Supervisors of said county that Section Two of said road had been constructed as provided in section six of this Act, and upon its being further shown to the satisfaction of said Board of Supervisors that good and substantial bridges had been built across all streams on the line of said road necessary to be bridged, and that the whole of said road was then ready for the use of wagons, then the Board of Supervisors of Plumas County shall cause to be issued to the Quincy and Indian Valley Wagon Road Company, precisely in all respects as provided in section six of this Act, bonds to the further amount of ten thousand dollars; the said bonds to be of the same denomination, bear the same rate of interest, principal and interest payable in the same length of time in gold coin of the United States of America, to be signed, countersigned, sealed with the county seal, registered, delivered, and receipted for, as provided in the foregoing section.

SEC. 8. The Quincy and La Porte Wagon Road, hereafter to be located upon the line described in section one of this Act, shall, for the purposes of this Act, when located, be divided into four sections, as follows: Section One shall consist of all that portion of said road commencing at the Town of Quincy, and running thence to the Middle Feather River, at or near Nelson's Point. Section Two shall consist of all that portion of said road commencing at the termini of Section One, and running thence to or opposite the mouth of Dickson Creek, and including all bridges necessary to be built on the line of said road across the said Feather River and across Nelson's Creek. Section Three shall commence at the termini of Section Two, and extend five miles up Dickson Creek on the line of the survey of said road. And Section Four shall consist of all that portion of said wagon road between the termini of Section Three and the boundary line between Sierra and Plumas Counties, where said road crosses said line.

SEC. 9. Upon the completion of each of the sections of the Quincy and La Porte Wagon Road, mentioned in section eight of this Act, the Board of Directors of said wagon road company shall file with the Clerk of the Board of Supervisors of Plumas a notice of such completion, together with their affidavit as to the actual cost of constructing each of such sections of road; and at the next meeting of the said Board of Supervisors thereafter, they shall appoint one of their number to examine and report, within ten days of such appointment, the manner in which each or either of such sections of road had been constructed.

SEC. 10. If it shall appear to the said Board of Supervisors, from the report aforesaid, or from other good and sufficient tes-

Issue of bonds.

timony, that either or all of said sections of the Quincy and La Porte Wagon Road had been well constructed, of at least twelve feet in width upon solid ground, on a reasonable and even grade, with good and sufficient turnouts for wagons in sight of each other along the whole length of the section or sections so completed, and that good and substantial bridges had been constructed across all streams on the line of said road necessary to be bridged, then the Board of Supervisors aforesaid shall by order direct the Bond Commissioners mentioned and provided for in section six of this Act to issue bonds to the amount of five thousand dollars for each of said sections of the Quincy and La Porte Wagon Road so completed as aforesaid; *provided*, that no bonds shall be issued for the building and completion of Section Four of said road, until all of the other sections of said road are completed, as provided in this Act.

Denomination, and interest.

SEC. 11. All bonds issued under the provisions of section ten of this Act shall be of a denomination not less than one hundred nor more than one thousand dollars. The principal of said bonds shall be made payable on a specified day, to be named in said bonds, which day shall be fifteen years from the date of their issue. Said bonds shall draw interest at the rate of ten per cent per annum from the date of their issue as long as the same are outstanding and unpaid, and said interest shall be due and payable annually, and shall be made payable on a specified day to be named in coupons; both principal and interest to be paid in United States gold coin, at the office of the County Treasurer of Plumas County. Said bonds shall be signed, countersigned, registered, sealed with the county seal, and delivered to the Quincy and La Porte Wagon Road Company, to whom the said bonds shall be issued, in the same manner in all respects as provided in section six of this Act for signing, countersigning, registering, sealing and delivering certain bonds to the "Quincy and Indian Valley Wagon Road Company," and the same receipt shall be taken and reported to the Board of Supervisors.

Road divided into sections.

SEC. 12. All of that portion of the Oroville and Beckworth Pass Wagon Road, located under the provisions of an Act passed at this session of the Legislature, entitled an Act to provide for the construction of a wagon road from the Town of Oroville, in the County of Butte, to Beckworth's Pass, in Plumas County, within the County of Plumas, below Nelson's Point, if the same shall be located on the Middle Feather River, or below the junction of Indian and Spanish Creeks, if the same shall be located on the North Fork of Feather River, shall be divided into sections of five miles each, commencing at Nelson's Point, if the said road be located on the Middle Feather River, or commencing at the junction of Spanish and Indian Creeks, if the same be located on the North Fork of Feather River, and running down the line of said road to the boundary line of Plumas County. Said sections shall be numbered One, Two, Three, Four, Five, etc., consecutively, commencing at Nelson's Point, or at the junction of Spanish and Indian Creeks aforesaid, as the case may be, and continuing to the boundary line of Plumas County.

SEC. 13. Upon the completion of any one of said sections of the "Oroville and Beckworth Pass Wagon Road," it shall be the duty of the Board of Directors of said wagon road company to file a notice of such completion with the Clerk of the Board of Supervisors of Plumas County, giving the number of said section, together with their affidavit, setting forth the actual cost of constructing such section of road, and it shall be the duty of the said Board of Supervisors, at their next meeting thereafter, to proceed, as hereinbefore directed, to ascertain the manner in which said section of road had been constructed; and if it be shown to the satisfaction of the Board of Supervisors that such section or sections of road had been properly completed in all respects as hereinbefore required of the "Quincy and Indian Valley Wagon Road Company," and of the "Quincy and La Porte Wagon Road Company," then the Board of Supervisors shall forthwith by order cause the Bond Commissioners of Plumas County, hereinbefore constituted and appointed, to issue to the "Oroville and Beckworth Pass Wagon Road Company" bonds to the amount of five thousand dollars for each section of said road so completed; *provided*, that not more than sixty-five thousand dollars shall be issued to said company; and, *provided*, further, that if there should not be as many as thirteen sections of said road between the points above designated, then the Board of Supervisors shall, upon the completion of all of said road from Nelson's Point, or from the junction of Spanish and Indian Creeks, as the case may be, to the county line, issue to the said Oroville and Beckworth Pass Wagon Road Company any balance of the sixty-five thousand dollars bonds then remaining unissued.

SEC. 14. All bonds issued under the provisions of section thirteen of this Act shall be of a denomination not less than one hundred nor more than one thousand dollars. The principal of said bonds shall be made payable on a specified day to be named in said bonds, which day shall be twenty years from the date of their issue; said bonds shall draw interest at the rate of ten per cent per annum from the date of their issue as long as the same are outstanding and unpaid; and said interest shall be due and payable annually, and shall be made payable on a specified day to be named in coupons, and both the principal and interest to be paid in United States gold coin, at the office of the County Treasurer of Plumas County. Said bonds shall be signed, countersigned, registered, sealed with the county seal, and delivered to the Oroville and Beckworth Pass Wagon Road Company, in the same manner in all respects as hereinbefore provided for signing, countersigning, registering, sealing, and delivering bonds to other wagon road companies; and the same receipt shall be taken therefor, and the same report thereof made to the Board of Supervisors.

SEC. 15. Coupons for the interest shall be attached to each bond of the bonds issued under the provisions of this Act, so that the same may be detached without mutilation to the bond; said coupons shall be signed by the said Bond Commissioners. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, indorse the word "cancelled"

Issuing of bonds.

Denomina-tion, and interest.

Delivery to company.

Coupons, etc.

on the backs thereof, and deliver the same to the County Clerk of said county, taking his receipt therefor, whose duty it shall be to file the same in his office, and make a report thereof at the next meeting of the Board of Supervisors.

Quarterly statement of tolls received

SEC. 16. Each of the wagon road companies mentioned in this Act shall, on the first Mondays in January, April, July, and October, in each year, file with the County Clerk of Plumas County a statement in writing, duly verified by the oath of the Secretary of said companies respectively, containing the gross amount of all tolls collected in said county on their respective roads, the expense of collecting said tolls and of keeping their respective roads in repair for the three months next preceding. If it shall appear from such statement that the receipts of either or all of said companies from such tolls exceeds the expense necessarily and actually incurred in keeping up said roads respectively, then the company or companies so receiving such excess shall, at the times aforesaid, pay into the County Treasury of Plumas County the undivided one fourth of such net proceeds. All moneys so paid in shall be set aside by the County Treasurer of said county as a fund for the purpose of paying the interest on the bonds issued under the provisions of this Act, which shall be styled the "Interest Fund."

Levy of tax.

SEC. 17. It shall be the duty of the Board of Supervisors of Plumas County at the time they levy the general State and county taxes for the year eighteen hundred and sixty-seven and for each year thereafter so long as the said bonds shall be outstanding and unpaid, to levy a tax to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on the bonds issued under the provisions of this Act; and they shall, at the same time, so long as the said bonds are outstanding and unpaid, levy a tax not exceeding forty cents on each one hundred dollars worth of taxable property in said county for the purpose of raising a fund for the liquidation of said bonds, which shall be styled a "Bond Fund." The said taxes shall be levied and collected in the same manner as the general taxes; and when collected, shall be paid unto the County Treasurer, who shall place the former in the Interest Fund named in the preceding section, and the second into the Bond Fund aforesaid, to be paid out by him at the order of the Bond Commissioners of said county, as follows:

First—The Interest Fund, to the payment of the interest falling due on said bonds;

Second—The Bond Fund, to the redemption of said bonds, as hereinafter provided.

SEC. 18. Should there be collected, as such Interest Tax, and received from the said road companies, as provided in section sixteen of this Act, a sum greater than is required to pay the annual interest on said bonds issued under the provisions of this Act, then the said Bond Commissioners shall, on the first Monday in March in each year, pass over such surplus into the said Bond Fund.

Payment of interest.

SEC. 19. It shall be the duty of said Bond Commissioners to make arrangements for the payment of the interest on said bonds, when the same falls due, at least thirty days before the time of payment, and in the event said Interest Fund is insuffi-

Interest and Bond Funds.

cient, the said Treasurer shall draw on the Common or General Fund of said county for such purpose, and pay out the same at the order of said Bond Commissioners; and in the event that the General Fund proves inadequate, the said Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of the county.

SEC. 20. Whenever at any time there shall be in said Bond Fund a sum of money amounting to two thousand dollars or upwards, the said Commissioners shall advertise in a public newspaper, published in said county, for a space of four weeks, for sealed proposals for the redemption of said bonds, and ten days from the expiration of the time for such publication, the said Commissioners shall open the sealed proposals, and shall pay and liquidate, as far as the Bond Fund then on hand shall extend, such bonds, presented under said proposals, as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value thereof; and, *provided*, should there be no proposals made for less than par value, then the payment of said Bond Fund on hand shall be made on said bonds according to the number of their issue and date, of which number and date of the bonds to be paid the said Commissioners shall give four weeks notice by publication, after which time such bonds shall cease to draw interest; and, *provided*, further, whenever there shall be sufficient moneys in such Bond Fund for the extinguishment of all the bonds outstanding issued under this Act, it shall be the duty of the said Commissioners to advertise, in like manner, for a space of four weeks, for the redemption of all the outstanding bonds issued as aforesaid, after which time said bonds shall cease to draw interest. Any moneys remaining in said Bond Fund after the redemption of all of said bonds shall go into the General Fund of said county.

SEC. 21. Whenever any bonds shall have been paid and *cancellation* redeemed by order of the said Commissioners, the Treasurer shall mark the same "cancelled" over his signature as Treasurer, and immediately deliver the same to the County Clerk, taking his receipt therefor; and the said Clerk, upon the receipt of such cancelled bonds, shall file the same in his office.

SEC. 22. The County Auditor of Plumas County shall keep *Quarterly statement of Interest and Bond Funds.* an account of the Interest Fund and of the Bond Fund above provided for the same as of other funds in the County Treasury, and shall furnish to the Bond Commissioners a statement of the same on the first Mondays of January, April, July, and October of each year.

SEC. 23. The said Commissioners and all other officers herein specified, for the performance of their duties under the provisions of this Act, shall in all things herein required of them be subject to all the liabilities and penalties to which they are subject for a failure to perform any other of the duties of their respective offices; and they shall be allowed by the Board of Supervisors a reasonable compensation for their services under the provisions of this Act, to be paid out of the General Fund as other county salaries are paid. And the said Board of Supervisors may and they are hereby directed to require of each of said Commission-

Bond. ers such bonds for the faithful performance of their duties herein required of them as the said Board may deem proper; *provided*, that the penal sums of such bonds to each of said Commissioners shall not exceed ten thousand dollars, the said bonds to be executed the same as other official bonds, and shall be approved by the Board of Supervisors.

Sale and transfer of roads to county. SEC. 24. Each of the wagon road companies named in this Act, in consideration of the bonds issued and delivered to them respectively under the provisions of this Act, shall sell, transfer, and assign to the County of Plumas all of their said roads lying in said county, as follows, to wit: Within ten years from the time of the completion of the Quincy and Indian Valley Wagon Road, or at the expiration of said period, the County of Plumas, through the Board of Supervisors so desiring it, the Quincy and Indian Valley Wagon Road Company shall sell, transfer, and convey to said county all of their said road, with the rights of way and appurtenances, for a sum of money not exceeding the actual cost, as shown by the affidavits hereinbefore provided for, after deducting the amount of bonds received by said company under the provisions of this Act. At the expiration of fifteen years from the time of the completion of the Quincy and La Porte Wagon Road, the Board of Supervisors so desiring it, the said Quincy and La Porte Wagon Road Company shall sell, transfer, and convey to the County of Plumas all of their said road lying in Plumas County, together with the rights of way and appurtenances, for a sum of money not exceeding the actual cost of said road, as shown by the affidavits hereinbefore provided for, after deducting the amount of bonds received by the said company under the provisions of this Act. At the expiration of twenty years from the time of the completion of the Oroville and Beckworth Pass Wagon Road, the Board of Supervisors so desiring it, the said Oroville and Beckworth Pass Wagon Road Company shall sell, transfer, and convey to the County of Plumas all of their said road lying in said county, together with the rights of way and appurtenances, for a sum of money not exceeding the actual cost of said road, as shown by the affidavits hereinbefore provided for, less the amount of bonds received by said company under the provisions of this Act.

SEC. 25. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXI.—*An Act to amend an Act entitled an Act to re-incorporate the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of Article Three of said Act is hereby amended so as to read as follows:

Section 7. The Common Council shall have power, within the city, by ordinance:

First—To assess and levy taxes on all property, real and personal, in the city made taxable by law for State purposes, not exceeding one per cent per annum upon the assessed value of such property, except as especially provided; and to provide for the collection of and the enforcement of the payment of taxes by seizure and sale of the property. The terms "Real and Personal Property" herein shall have the same signification as in the general revenue law of the State. The assessment of taxes shall be a lien on the property assessed from the date of the assessment, and have the force and effect of a judgment and execution.

Second—To provide for the draining, grading, improvement, and lighting of the streets, and the construction of the sidewalks, and bridges, drains, sewers, and wharves, and their repairs, and the prevention and removal of obstructions on the sidewalks.

Third—To assess and provide for collecting a revenue tax for wharfage, and to authorize the City Collector and ex officio Street Commissioner to regulate the landing and stationing of steamers, vessels, and boats.

Fourth—To provide for the removal of obstructions to the navigation of any channel or watercourse within the limits of the city.

Fifth—To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

Sixth—To regulate or prohibit the storage of gunpowder, tar, pitch, rosin, and other extremely combustible materials in the city.

Seventh—To establish and regulate a city police, and to keep in repair all streets, avenues, and levees.

Eighth—To prevent, remove, and abate nuisances, and at the expense of the parties causing or committing the same; to make all regulations which may be necessary or expedient for the preservation of the public health, and the prevention of contagious diseases; to provide by regulation for the prevention and summary removal of all nuisances, obstructions, filth, and garbage, in the streets, alleys, back yards, highways, and public grounds of said city, and to prevent and regulate the running at large of all hogs, pigs, goats, sheep, horses, mules, jackasses, and horned cattle.

Ninth—To remove from the immediate vicinity of the inhabited parts of the city all slaughter houses, haystacks, forges, blacksmith shops, and tanneries.

Tenth—To license and regulate auctioneers, taverns, hotels, billiard tables, bowling alleys, theatrical and other exhibitions, shows, and amusements.

Eleventh—To license, prohibit, regulate, or suppress bar rooms, for the retail, by sale or otherwise, of spirituous or malt liquors, drinking houses, tippling houses, dram shops, hawkers, and peddlers, and pawnbrokers; and they shall have power, further, to prohibit and suppress, or exclude from certain limits, all houses of ill fame, prostitution, and gaming, and dance and fandango houses; to prohibit and suppress, or exclude from certain limits,

Powers and
duties of
Common
Council.

Powers and duties of Common Council. or to regulate, all occupations, houses, places, pastimes, amusements, exhibitions, and practices which are against good morals, contrary to public order and decency, or dangerous to public safety. The common reputation of such houses, places, pastimes, amusements, exhibitions, and practices, shall be deemed competent evidence to establish the character of the same.

Twelfth—To provide for the erection of public buildings for the use of the city.

Thirteenth—To open, alter, and widen streets or alleys, first paying for private property taken for public use.

Fourteenth—To license, tax, and regulate drays, market wagons, teams and other vehicles.

Fifteenth—To borrow money and contract debts on the faith and credit of the city; but no loan shall be made or debt contracted for any sum exceeding five thousand dollars, including the amount of any previous indebtedness and liability, without the consent of the electors of the city, previously obtained; and when the Common Council desire to effect a loan or create a debt for a sum exceeding five thousand dollars, including the amount of any previous indebtedness and liability, they shall submit a proposition for such loan or creation of such debt to the electors of the city, and shall cause such proposition to be published in one or more newspapers in the city for at least one week before taking a vote on the same; and if a majority of the persons voting, vote in favor of such proposition, the Common Council shall have authority to effect such loan, or create such debt, but not otherwise. The Common Council shall in no case issue any scrip or other evidences of debt or orders on the Treasury for larger amounts than there may be on hand to meet the demand.

Sixteenth—To prevent and restrain any riot or assemblage in any place, house, or street of the city;

Seventeenth—To impose and appropriate fines, forfeitures, and penalties for the breach of any ordinance; but no fine shall be imposed for more than two hundred dollars, and no offender shall be imprisoned for a longer term than thirty days.

SEC. 2. Section twelve of Article Three of said Act is hereby amended so as to read as follows:

Section 12. The improvement of the streets, avenues, and levees, as provided for in subdivision two of section seven, shall be:

First—By the Common Council, on its own motion;

Second—Upon the petition of the citizens whose property is to be immediately affected.

Whenever the Common Council shall deem it expedient to improve any streets, avenues, or levees as aforesaid, they shall provide by ordinance for making the same; and the expenses of making any and all sidewalks shall be borne by the land adjacent thereto, and become a lien thereon, to be enforced as hereinafter provided.

SEC. 3. Section twenty-one of Article Three of said Act is hereby amended so as to read as follows:

Levy of City Interest tax. Section 21. The Common Council shall have power and shall provide for the payment of the interest and principal secured by the bonds issued under the Act entitled an Act to amend an

Improvement of streets and levees.

Act to re-incorporate the City of Stockton, approved April twenty-first, eighteen hundred and fifty-two, approved April second, eighteen hundred and fifty-three; and it is hereby made their duty in each and every year after the passage of this Act to levy, collect, and assess, at the same time and in the same manner as the city taxes for the annual current expenses of the said city are by law levied, assessed, and collected, an additional tax upon real and personal property of said city made taxable by law for State purposes, which additional tax shall be known as the "City Interest Tax," and shall not exceed one and a half per cent per annum, payable in like currency as the State and county taxes; and the fund derived from such additional tax shall not be loaned to any other fund or used for any other purpose than the payment of the interest on said bonds, except as provided in the next section. And the Common Council shall have further power, and shall provide for the payment of the debt secured by the bonds issued under the Act entitled an Act to amend an Act to re-incorporate the City of Stockton, approved April twenty-first, eighteen hundred and fifty-two, approved April second, eighteen hundred and fifty-three, and for the purchase of the said bonds; and it is hereby made their duty in each and every year after the passage of this Act, so long as there shall be any of said bonds outstanding against the city, to levy, collect, and assess, at the same time and in the same manner as the city taxes for the annual current expenses of the said city are by law levied, assessed, and collected, an additional tax upon real and personal property of said city made taxable by law for State purposes, which additional tax shall be known as the City Bond Tax, and shall not exceed one fourth of one per cent per annum, payable in like currency as the State and county taxes; and the fund derived from such additional tax shall not be loaned to any other fund or used for any other purpose than the purchase of said bonds, in such manner as the Common Council shall direct.

SEC. 4. Section twenty-four of Article Three of said Act is hereby amended so as to read as follows:

Section 24. The Common Council shall have power to raise school tax. annually, by tax upon the real and personal property within the city taxable by law for State purposes, whatever amount of money may be requisite for the support of free common schools therein, and providing and furnishing suitable houses therefor; but the tax provided for in this section shall not exceed thirty-five cents on each one hundred dollars valuation upon the assessment roll per annum, and the said tax shall be assessed and collected in the manner and at the time provided by laws and ordinances for other city taxes. The City Treasurer shall have the custody of the moneys raised by the school tax aforesaid, and shall disburse the same under the direction of the Board of Education of the City of Stockton.

SEC. 5. Section twenty-five of Article Three of said Act is hereby amended so as to read as follows:

Section 25. The annual expenses of the city shall not exceed the sum of twenty thousand dollars; provided, the interest on

Amount of annual expenses of city. the present debt of the city, and the School Fund, and the City Bond Fund, aforesaid, shall not be considered a portion of the annual expenses under this section, unless, after the exhaustion of the said sum of twenty thousand dollars, the people of said city shall consent to a further and greater expenditure, by vote, in the manner and under the conditions in relation to a loan or the creation of a debt, as provided in section seven of this Article; and if the Common Council shall expend the sum of more than twenty thousand dollars annually, unless by the consent of the people as aforesaid, they shall be guilty of a misdemeanor of office, and shall be fined a sum not less than one hundred dollars nor more than one thousand dollars, and be imprisoned, in discretion of the Court, not less than one month nor more than one year; and the excess so overpaid or created shall be void as against the city, and shall be recoverable from the party or parties to whom the same is paid if knowingly taken or received by such parties, and the members of the Common Council who vote for the same shall be individually, jointly, and severally liable for such excess, and it may be recovered in any Court of competent jurisdiction against them or either of them by the parties with whom they have contracted, or by the City of Stockton, if payment has actually been made.

Penalty for exceeding same.**Excess void.****Duty of Assessor.**

SEC. 6. Section three of Article Four of said Act is hereby amended so as to read as follows:

Section 3. It shall be the duty of the City Assessor to prepare within such time as the Common Council shall direct, and present to them, with his certificate of its correctness, a list of all the taxable property, real and personal, within the city, with a valuation thereof; to be present at the sessions of the Board of Equalization, which Board shall be appointed by the Common Council, and to furnish such information as may be desired by said Board, but he shall have no vote in the proceedings thereof; and to perform such other services in relation to the assessment of property in the city and otherwise appertaining to his office as may be required by the Common Council.

SEC. 7. This Act shall take effect and be in force from and after its passage; and all laws and parts of laws so far as they are inconsistent with or a repetition of the provisions of this Act are hereby repealed.

CHAP. CCCCLXII.—An Act supplementary to an Act entitled an Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time extended.

SECTION 1. The grant and provisions contained in the Act to which this is supplementary are hereby extended for the term of two years from May the first, A. D. eighteen hundred and

sixty-six, to Isaac Rowell, J. W. Reay, Michael Fennell, L. C. Owen, W. F. Hall, E. W. Casey, E. T. Pease, A. R. Baldwin, C. A. Eastman, A. J. Gladding, John W. Cherry, M. P. Jones, and John Gordon, and their associates and assigns, for the construction and final completion of the street railroad within the City and County of San Francisco, the right to construct and maintain which is granted by said Act so far as it relates to that portion of said road described as follows: commencing at the intersection of East and Mission streets; thence along and upon Mission street to Navy street; and from the intersection of Chestnut and Stockton street along and upon Stockton street to Union street, along and upon Union street to Dupont street; thence along and upon Dupont street to the intersection of Market street; thence along and across Market to Fifth street; thence along and upon Fifth street to the water front, or foot of said street; and from the intersection of Market and Montgomery streets; thence along and upon Market street to Fifth street.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXIII.—*An Act to amend an Act to prescribe the duties and to provide for the compensation of the several officers of the County of Butte, approved May third, eighteen hundred and sixty-one.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said Act is hereby amended as follows:

Section 5. The County Treasurer of Butte County shall be allowed a salary of three thousand dollars per annum, which shall be in full for all services required of him as County Treasurer and as ex officio Tax Collector as hereinafter provided; and in no case shall he receive any fees or percentage to his own use. The County Treasurer shall be ex officio Tax Collector of the County of Butte; he shall receive all taxes tendered to him and receipt for the same; he shall make out and turn over to the District Attorney on the first Monday of December in each year, a list of all taxes remaining unpaid on the first day of December in each year which shall be considered delinquent taxes; and the District Attorney upon the receipt of the delinquent tax list as provided in this section, shall proceed to collect the same in the manner prescribed by an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one. The County Treasurer shall, before entering upon the discharge of his duties, enter into bond to the State, with two or more sureties, to be approved by the Board of Supervisors, in the sum of thirty thousand dollars, for the faithful performance of the duties required of him as Treasurer and ex officio Tax Collector, which bond shall be filed in

Collection of the office of the Clerk of the County of Butte; provided, that all delinquent taxes collected in the County of Butte previous to the first day of December, eighteen hundred and sixty-six, shall be collected as provided by an Act entitled an Act to provide for the collection of delinquent taxes in the County of Butte, approved April fifth, eighteen hundred and sixty-one; and, provided, further, that this Act shall not be construed to fix or change the salary of any officer in said county in any manner whatever.

CHAP. CCCCLXIV.—*An Act to provide for the payment of any claims due or hereafter to become due to the California Volunteers, under the Act for the relief of the enlisted men of the California Volunteers in the service of the United States, approved April twenty-seventh, eighteen hundred and sixty-three, not now provided for by law.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Should the amount of money appropriated under the Act for the relief of the enlisted men of the California Volunteers, approved April twenty-seventh, one thousand eight hundred and sixty-three, and an Act entitled an Act to appropriate money for the payment of the claims of the California Volunteers, be insufficient to pay all the claims that shall accrue under the said first mentioned Act, the remainder of such claims shall be audited and allowed out of the appropriation and fund made and created by an Act entitled an Act granting bounties to the volunteers of this State in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, one thousand eight hundred and sixty-four. And the State Controller is hereby authorized and required to draw his warrants upon the Soldiers' Bounty Fund, and the Treasurer of State to pay the same.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCLXV.—*An Act to amend an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals, approved May fourteenth, eighteen hundred and sixty-two.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said Act is hereby amended so as to read as follows:

Section 5. The provisions of this Act shall not apply to the ~~Counties~~ ^{Counties} ~~exempted~~ Counties of Nevada, Amador, Sierra, Klamath, Del Norte, Trinity, Butte, Plumas, and Calaveras.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXVI.—*An Act to amend an Act entitled an Act to organize the County of Plumas out of a portion of the territory of Butte County, approved March eighteenth, eighteen hundred and fifty-four.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of an Act entitled an Act to organize the County of Plumas out of a portion of the territory of Butte County, approved March eighteenth, eighteen hundred and fifty-four, is hereby amended so as to read as follows:

Section 2. The said County of Plumas shall be bounded as ~~Boundaries~~ follows, to wit: Commencing at the Buckeye House, on the line between Yuba and Butte, and running in a right line crossing the southern portion of Walker's Plains and Feather River to the summit of the dividing ridge dividing the waters of the West Branch and the main Feather River; thence following said divide to the summit of the main divide separating the waters of the Sacramento and the main North Feather; thence following said divide to the line of Shasta County, dividing Shasta and Butte; thence along said dividing line between Shasta and Butte Counties to the western boundary line of Lassen County; thence along said western boundary line of Lassen County to the northern boundary line of Sierra County; thence along said northern boundary line of Sierra County to a point on said lines six miles in a northeasterly direction from the Lexington House; thence south five miles; thence southwest five miles; thence north three miles; thence in a direct line to said Buckeye House.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CCCCLXVII.—*An Act granting to R. J. Vanderwater, his associates, their successors or assigns, the right to construct, maintain, and operate a railroad in certain streets of the City of Oakland.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The right to construct, maintain, and operate a ~~Franchise~~ railroad on Second, or Fourth, Eighth, Twelfth, and Market

Proviso.

streets, including Twenty-Eighth street, and the San Pablo Road, in the City of Oakland, and along the line of the San Pablo Road to the city limits, adjoining the corporate limits of said city, with the right to cross any other railroad tracks without obstruction to any other railroad which is now or may be hereafter constructed, is hereby granted to R. J. Vanderwater and his associates, their successors or assigns, for a period of thirty years from and after the passage of this Act; *provided*, that any other railroad shall have the right to cross any portion of said railroad track.

Tracks.

SEC. 2. Through San Pablo Road one track shall be laid on each side of said road at a distance not less than ten feet from the centre, and on Second, or Fourth, Eighth, Twelfth, and Market streets, a single track, with the privilege of placing a double track on any or all of said streets at any subsequent time. Where double tracks are laid, they shall be as near the centre of the street as the passage of the cars with safety will permit. On Second, or Fourth, Eighth, and Twelfth streets, said railroad shall be built from Market street to Oak street. On the San Pablo Road the said railroad shall be built from the western terminus of Twenty-Eighth street along said street and road to Broadway street; on Market street, from the city line to Twelfth street. In case the said railroad is not completed within the time hereinafter specified, or in case any of the provisions of this bill are not complied with, it shall be null and void, and all rights herein granted shall be forfeited.

Rails.

SEC. 3. The rails shall be of the of the most approved pattern used in the Eastern cities, with the proper and necessary switches and turnouts along the entire route, and to run cars thereon of the most approved construction for the comfort and convenience of passengers. The cars shall be moved by horse or mule power, and none other.

SEC. 4. The owners of said railroad shall pave, plank, or macadamize, as the authorities may direct, the streets through which said railroad shall run, along the whole length of said road, for a width extending two feet on each side of said road, and shall keep the same in repair.

SEC. 5. The rates of fare of each passenger upon said road, for any distance going or returning within the city limits of the City of Oakland, when a single passage is required, it shall be chargeable at ten cents in silver coin, or sixteen tickets shall be sold for one dollar in gold or silver coin; the above rates to be charged for a period of ten years, after which the price of fare shall be regulated and fixed by the Legislature; but at no time shall the fare exceed the charges above mentioned.

**Construction
and comple-
tion.**

SEC. 6. The railroad authorized by the first section of this Act shall be built in the following manner, viz: The Second, or Fourth, Eighth, and Twelfth street portions shall be completed within two years from the date of the passage of this Act; and the grantees shall, within twelve months after the passage of this Act, commence the construction of said road, and the whole shall be completed within three years from the date of passage of this Act; but no time during which they may or shall be prevented therefrom by legal process shall be counted as a part of said time.

SEC. 7. The railroad authorized to be built by this Act, Grade, etc. which may be located within the city limits, shall be laid upon the official grade of the streets, and in such a manner as not to interfere with public travel, and under the supervision of the City Engineer of the City of Oakland.

SEC. 8. Any person wilfully obstructing the said railroad obstructions shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

SEC. 9. This Act shall take effect from and after its passage.

CHAP. CCCCLXVIII.—An Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, passed May seventeenth, eighteen hundred and sixty-one.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-five of said Act is amended so as to read as follows:

Section 45. The provisions of an Act to regulate proceedings in civil cases in Courts of justice of this State, and the several amendments thereto, so far as the same are not inconsistent with the provisions of this Act, are hereby made applicable to proceedings under this Act, and any deed derived from a sale of real property under this Act shall be conclusive evidence of title, except as against actual frauds or prepayment of the taxes by one not a party to the action or judgment in or upon which such sale was made, and shall entitle the holder thereof to a writ of assistance from the District Court to obtain possession of such property; provided, that the Sheriff in selling said property shall only sell the smallest quantity that any purchaser will take and pay the judgment and all costs; and, provided, further, that in all cases where the amount of tax due on real estate, together with costs, exceeds one thousand dollars, and the Sheriff shall have offered the same for sale at public auction as provided for sales of real estate on execution, and no person or persons shall bid off the said property, or shall offer to pay the taxes and costs for the whole or a part of said property, then the said Sheriff shall be authorized and empowered to offer for sale immediately and without further notice a fractional part of said real estate, designating in his offer the number of acres or quantity of land offered, and the place where to be located, and may continue to sell fractional portions of said real estate described in his notice; provided, that no sale shall be made for a sum less than five hundred dollars until the amount unpaid is reduced below said sum, until he shall realize from such sales sufficient to pay the amount of the judgment and costs, and shall deliver to each purchaser a certificate of sale, describing generally the metes or bounds of the part of the said real estate sold, and the amount bid and paid therefor; and shall also in

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said certificate of sale set forth, in addition to the facts required in ordinary certificates of sale, the fact that the whole of the property was first offered for sale for the amount of the judgment and costs, and no bids were offered or received therefor, and that thereupon the Sheriff proceeded to sell the property in parcels, and designating the particular parcel sold in such manner that the same can be located from such description; and any deed made to the purchaser shall contain the same description as set forth in the certificate of sale; and when a tract of land shall be sold in parcels as specified in this section, it shall not be sold in less quantities, as compared with the entire tract of land or value of property subject to sale, than the proportion which five hundred dollars bears to the entire judgment; and no sale for less than five hundred dollars shall be made until the amount of judgment and costs has been reduced by sales as herein provided, to five hundred dollars or less, and then the remaining amount due shall be settled by one sale; and no bid shall be received for less than a sum of money which bears the same relation to the whole amount of the judgment and costs as the quantity of land offered for sale bears to the

Redemption whole tract; and, *provided*, further, that when the property sold belongs to minors or persons under legal disability, they shall have until six months after said disability is removed to redeem said property by paying the whole amount of the judgment and all subsequent taxes and interest paid by and due to the purchasers at said sale; but this provision shall not apply when the executor or administrator of the estate, or the father, or in case of his death, the mother or guardian of such minor children has been personally served with process; and, *provided*, further, that the real estate so sold for taxes may be redeemed from such sale, as in case of sale upon execution as provided in other civil cases, by paying to the Sheriff the total amount of the judgment and all costs, with thirty per cent thereon; and, *provided*,

Percentage. further, that if the same is paid within three months from the date of the certificate of sale, it shall be for the total amount of the judgment and all costs, with fifteen per cent thereon. All moneys collected under this Act, except costs and charges, shall without delay be paid to the Treasurer of the county, to be distributed to the proper funds; and each collection, and the date thereof, shall be entered against the proper name or property in the delinquent tax list, which shall be open to public inspection.

CHAP. CCCCLXIX.—An Act to amend section first of an Act relating to the First Judicial District, and to fix the time for holding the Courts in said district, approved April fourth, one thousand eight hundred and sixty-four.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of said Act is hereby amended so as to read as follows:

Section 1. The terms of the District Court of the First ^{Terms of} ~~Judicial District~~ shall be held as follows:

In the County of San Diego, on the first Monday of October, and third Monday of April of each year;

In the County of San Bernardino, on the first Monday of April and September of each year;

In the County of Los Angeles, on the first Monday of February, May, and November, of each year;

In the County of Santa Barbara, on the third Monday of June and December of each year;

In the County of San Luis Obispo, on the first Monday of March and August of each year.

SEC. 2. All Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXX.—An Act to create a Board of Water Commissioners in Siskiyou County and to define their powers and duties.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be elected at the next election held in the County of Siskiyou for the election of county officers, three Water Commissioners in each Supervisor District of said county, who shall hold their offices for the term of two years from the first Monday in January next ensuing after their election and until their successors are elected and qualified; and until the first election herein provided for, E. Steele, Horace Knights, and C. J. Dorris shall constitute a Board of Water Commissioners for Supervisor District Number Three; and A. Groat, J. H. Ellis, and George Durand shall constitute a Board of Water Commissioners for Supervisor District Number Two; and John McConaughy, P. A. Hartstrand, and H. J. Diggles shall constitute a Board of Water Commissioners for Supervisor District Number One; which Boards shall have the powers and

Bond. perform the duties hereinafter provided. In case a vacancy should occur in said Board or Boards, by death or otherwise, it shall be filled by the Board of Supervisors of said county by appointment, and each member shall, before entering upon the duties of his office, and within ten days after the reception of notice of his election or appointment, qualify by giving a bond to the satisfaction of the Board of Supervisors in the sum of five hundred dollars, for the proper disposal of all moneys which may come into his possession, and for the proper performance of his duties.

Powers and duties of Commissioners.

SEC. 2. The duties of said Commissioners shall be as follows:

First—They shall elect one of their number Chairman, and one as Clerk of the Board. They shall from time to time appoint as many Overseers as they may deem necessary for the construction of the water ditches and the care of watercourses, and define the boundaries within which they shall act in the county, and they may revoke such appointments at pleasure.

Second—Upon the petition of a majority of the citizens of any district or neighborhood, they shall lay out such ditch or ditches as may be necessary to irrigate the land in cultivation in the district, and apportion the water in the same to each individual in proportion to the land in cultivation by each; *provided*, that should the water be insufficient for a continuous supply to all, the Commissioners shall, upon the petition of a majority of those interested, reapportion the same without prejudice to any.

Third—No ditch shall hereafter be taken out of any stream in the waters of which different persons have an interest without leave of said Commissioners; and upon the receipt of an estimate from the Overseers, or upon an estimate of their own, of the number of days work necessary to construct or repair any ditch, and of the amount of land proposed to be irrigated by each individual using water therefrom, the Commissioners shall apportion such labor amongst those interested in proportion to the amount of water required by each, and should such labor fail to complete the work, they may immediately make a new assessment in the same proportion.

Fourth—They shall, as soon as they have apportioned the water, make a schedule of the amount of water, or the hours in which each person is entitled to use the same, commencing at the head of each ditch, and also the amount of labor performed or to be performed, and a copy of said schedule shall be posted at the head of the ditch, and such apportionment shall be binding, unless modified by the unanimous consent of those interested.

Fifth—A book shall be furnished by the Board of Supervisors of said county, in which said Commissioners shall keep a full record of all official acts of said Board, which shall be open to the inspection of any citizen, and shall be delivered over to their successors in office.

Duties of Overseer.

SEC. 3. It shall be the duty of the Overseers to execute the orders of the Commissioners, to examine, on or before the first day of March in each year, the various ditches in their districts, make an estimate of the amount of labor necessary to put them in good repair, and report the same to the Board, together with the capacity of said ditches, and the amount of land to be irri-

gated thereby, to see that the water is properly used as apportioned, that the ditches are kept in good repair, and that the labor required is properly expended.

SEC. 4. Said Overseers shall each keep a correct account of all work done under his supervision, and by whom; and any person interested in said ditch who shall neglect or refuse to perform their proportion of work after having received three days' notice to do so, shall pay the sum of ten dollars for each day's labor due from him, which shall be recovered at the suit of the Overseer, with costs of suit, before any Court of competent jurisdiction in the county or township; and all such money shall be applied to the construction or repair of the ditch upon which the labor was due; *provided*, that when any ditch shall break, so as to cause a loss or wastage of water, those interested shall respond immediately to the notice of the Overseer for the repair of the same, under the same conditions as to delinquencies already provided for in this section.

SEC. 5. Eight hours' labor shall constitute a day's work. A Day's work. team of two horses shall be equivalent to one day's work. A plough, wagon, or scraper, shall each, when used, be equal to one half day's work. And when required by the Overseer, persons shall, if practicable, furnish such implements as shall be necessary to the work.

SEC. 6. In case any district or person shall consider that the water has not been properly apportioned, or in case the Commissioners cannot agree upon the apportionment, the matter may be referred to the County Judge of said county, who shall determine the matter in contest.

SEC. 7. The Commissioners and Overseers shall each be compensated for each day actually employed in the discharge of their duties required by this Act; and for the purpose of paying the same the Commissioners are hereby authorized to levy a tax within the county upon each person benefited, in proportion to the amount of water used by each; which tax shall be collected by the Overseers and paid over to the Commissioners, who shall disburse the same as required by this section; and the general laws for the collection of taxes are made applicable to the collection of this tax; *provided*, that the Board of Supervisors may limit the amount paid to each Commissioner or Overseer.

SEC. 8. The Commissioners shall have the right of way to Right of way. lay out and construct ditches through any lands in their respective counties, and any person damaged thereby, or by the water of any ditch, shall be entitled to such compensation as may be agreed upon between the parties interested; and in case the parties cannot agree, each party shall choose one arbitrator, and the two so chosen shall choose a third, and such arbitrators shall assess the damages sustained, under oath, which sum shall be paid by the parties using the water in proportion to the amount each is entitled to use, and the decision of said arbitrators shall be final.

SEC. 9. Any person using water from any ditch or water-course in the county to which he is not entitled in accordance with the provisions of this Act, to the detriment of others, or who shall obstruct the waters of any watercourse or ditch by Neglect or refusal to perform work.

any dam or otherwise, or who shall wantonly break or injure any ditch, or who shall obstruct or hinder any Overseer in the performance of his duty, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding one hundred and not less than twenty dollars for the first offence, and not more than three hundred nor less than fifty dollars for every subsequent offence, or imprisonment in the County Jail for not more than thirty nor less than five days, or by both such fine and imprisonment. Any person violating the provisions of this section shall be prosecuted before any Court of competent jurisdiction in the county or township, upon the complaint of any person aggrieved, or by any member of the Board of Commissioners; and all moneys collected as fines under the provisions of this section, shall be applied by the Commissioners to the payment of Overseers, and the repair of the ditches which may have been damaged.

Diverting water.

Repeal.

SEC. 10. When water rises upon lands owned by any person, it shall not be subject to the provisions of this Act until it shall have passed beyond the limits of said land; and no person or persons shall divert the waters of any river or stream from its natural channel to the detriment of any person or persons located below them on the same stream.

SEC. 11. All Acts of a general character conflicting with the provisions of this Act, so far as applicable to the County of Siskiyou, are hereby repealed.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXI.—*An Act to establish and maintain public pounds for the better securing of estrays and other stock, in the County of Alameda.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Pound districts.

SECTION 1. The Supervisors of Alameda County are hereby authorized to lay out and establish pound districts, and define the boundaries of the same, on petition of not less than one third of the citizens within the boundaries of the pound district proposed to be established; *provided*, no pound district shall be established upon a petition of less than seventy-five citizens; and the Supervisors may change or abolish said districts.

Pounds, and Pound Masters.

SEC. 2. Said Supervisors are hereby authorized and empowered to build or hire a suitable place in each district for impounding all animals taken up under the provisions of this Act, and appoint one Pound Master for each district, who shall receive for such service the fees hereinafter provided.

Impounding animals.

SEC. 3. Any person may impound any swine, neat cattle, horses, mules, jacks, jennets, sheep, goats, or other stock that shall be found doing damage within his inclosure, or such animals found going at large in any highway or street, or on any common within said pound district.

SEC. 4. The Pound Master shall, within twenty-four hours ^{Notice to} after the time of impounding, cause to be delivered to the ^{owner.} owner or keeper, if known to him, or cause to be left at their usual place of abode, a notice in writing describing the marks, brands, and color of the animals impounded, stating the estimate of damage done, and the time when and where the same was done, and of the penalty incurred, the amount of fees and charges incurred, and the time of impounding.

SEC. 5. When the owner or keeper of any animal impounded ^{Damages.} is not known by the Pound Master, he shall within twenty-four hours post up a like notice in some public place in the township and in the adjoining townships; and the person impounding any animals shall leave with the Pound Master, in writing, an estimate of the damage done by such animals.

SEC. 6. If the owner or any person claiming such animals ^{Discharge of} shall pay the penalty or estimated damages and charges incurred ^{animals.} to the Pound Master, the animals impounded shall forthwith be discharged from such pound.

SEC. 7. If the owner or party claiming such animals shall ^{Refusal or neglect} neglect for the space of two days, or shall refuse to pay the ^{to pay.} charges estimated by the person impounding the same, either of said parties may apply to the nearest Justice of the Peace, who shall notify the other party to appear before him at a time and place appointed, as early as practicable, and after hearing the parties, shall appoint three disinterested persons to appraise such damages.

SEC. 8. The appraisers so appointed shall notify the parties, ^{Appraisal.} and within two days view the place where the damage is alleged to be done, and hear the parties and their evidence, and report to the Justice whether any damage was done by such animals at the time of being in such inclosure, and the sum at which they estimate the same; and such report, signed by a majority of such appraisers, shall be conclusive upon the parties.

SEC. 9. Upon payment of the damages so appraised and the ^{Payment of} charges, with the fees of the Justice, Pound Master, and appraisers, to be assessed by the Justice, such animals shall be discharged from the pound.

SEC. 10. If such animals impounded shall remain ten days after ^{Sale of} the day of such notice being given or posted as aforesaid, the ^{animals.} Pound Master shall apply to the nearest Justice of the Peace for an order for the sale of such animals.

SEC. 11. The Justice shall (unless the owner or claimant of such animals pay all costs, fees, and damages, as above provided) order such animals to be sold within ten days at public auction by the Pound Master, who shall give at least five days' notice of such sale by posting the same in some public place in the township and adjoining township, and proceed in such sale in the same manner as Constables are required to do in sales upon execution.

SEC. 12. After payment of the penalty or damages and all ^{Disposition of moneys.} costs, the overplus of such sale, if any, shall be paid to the owner upon request, if he shall apply for the same within one month from the time of such payment; otherwise it shall be placed in the County Treasury, there to await the order of the owner, and shall be paid by the Treasurer to such owner if he shall apply

for the same within twelve months from day of sale, on making satisfactory proof he is entitled to the same; *provided*, if no claimant appear within the above specified time, such money shall be placed in the County School Fund.

**Penalty for
rescue, etc.**

SEC. 13. If any person shall rescue any animal from the possession of any person driving or being about to drive the same to the pound, or shall make any pound breach, or in any way, directly or indirectly, convey or deliver any animal out of any pound without lawful authority, he shall be punished by a fine not less than twenty-five dollars or more than one hundred dollars, or by imprisonment not exceeding three months, or by both such fine and imprisonment.

**Animals may
be retaken.**

SEC. 14. The Pound Master or person impounding may retake within six days any animal directly or indirectly conveyed or delivered out of the pound without lawful authority, and again impound and detain the same, and proceed as heretofore provided.

**Evidence of
pound
breach.**

SEC. 15. If any animal so illegally conveyed out of any pound shall be in any person's inclosure who shall refuse to deliver the same to the Pound Master upon demand, such refusal shall be sufficient evidence to convict such person of having released such animals from the pound.

**Food for
animals.**

SEC. 16. The Pound Master shall cause all animals impounded to be provided with food and drink suitable for such animals, and upon neglect shall be liable to the owner for all damages arising therefrom.

**Fees and
charges.**

SEC. 17. The Board of Supervisors shall from time to time establish the rates of fees and charges to be paid to the Pound Master for viewing [receiving,] keeping, and feeding the several kinds of animals authorized by this Act to be impounded, and such rate of fees and charges shall be kept posted up by the Pound Master in some conspicuous place at his pound.

**How far
provisions
extend.**

SEC. 18. The provisions of this Act shall not extend nearer than three miles of the County of Contra Costa, and no pound district shall be established within three miles of the county boundary of Contra Costa County and Alameda County.

SEC. 19. This Act shall take effect immediately.

CHAP. CCCCLXXII.—*An Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to modify the grade of certain streets in said city and county.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

**Grade of
Sacramento
street.**

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered (the owners of two-thirds of the property, according to the frontage, on the line of Prospect Place between Clay street and California street, and on the line of Sacramento street between Stock-

ton street and Powell street, respectively, petitioning therefor) by ordinance to so modify the grade of Sacramento street, in said city and county, that there will be a depression of three feet at the intersection of Prospect Place and Sacramento street from the present official grade, and to make the lines of said Sacramento street between Stockton street and Powell street, and Prospect Place between Clay street and California street, conform thereto.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCLXXIII.—*An Act relating to the publication of tax summons and executions in the County of Yuba.*

[Approved March 31, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the Board of Supervisors Advertising. of the County of Yuba to provide for the advertising of all tax summons and tax execution sales in the official newspaper of said county, and to audit and allow all claims for such advertising, to be paid out of the General Fund of said county, in the same manner as is now provided by law for the advertising and payment for other official advertising of said county.

SEC. 2. The Sheriff, District Attorney, and other officers of Amount to be included in collections said county who now have or hereafter may have the collection of delinquent taxes in said county, shall include in all collections of delinquent taxes, the amount of advertising actually due in each case, which amount shall be reported at the time of the payment of the taxes, and paid into the General Fund of said county for its sole use and benefit.

SEC. 3. It shall be the duty of the Board of Supervisors of Allowance of claims for advertising. said county to audit and allow all advertising fees for the advertisements of tax execution sales and tax summons for the years one thousand eight hundred and sixty-four and one thousand eight hundred and sixty-five, allowing therefor the same rates allowed for other official advertisements of said county, and the amount collected for such advertisements shall be paid into the County Treasury, as provided in section two of this Act.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXIV.—*An Act providing for the location and survey of a public highway from Suisun City, in Solano County, to Knoxville, in Lake County, running through the Counties of Solano, Napa, and Lake.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Route.** SECTION 1. J. H. Minston of Solano County, T. J. Dewoody of Napa County, and R. F. Knox of Lake County, shall be and are hereby appointed Viewers, who, after being duly sworn to faithfully perform the duties imposed upon them by this Act, shall proceed to locate and survey a public highway on the nearest and most practicable route, running from Suisun City, in Solano County, to Knoxville, in Lake County; *provided*, that the said route shall strike the Solano and Napa County line near the head of what is known as Samuels' Cañon. The Boards of Supervisors of the Counties of Solano and Lake shall, on or before the second Monday in April, A. D. one thousand eight hundred and fifty-six, cause a notice to be published in one or more papers printed in said counties, calling upon all persons through whose lands said road may be located to appear at the county seats of the Counties of Solano or Lake, on the first Monday in May, one thousand eight hundred and sixty-six, and make known the damage, if any, they claim by reason of the location of said road; and if such persons fail to appear by the day specified they will be considered as having waived all rights to damages thereafter. And it is hereby made the duty of Supervisors of the above mentioned counties to meet at the county seats of their respective counties on the first Monday of May, one thousand eight hundred and sixty-six, and continue in session until they carry out the provisions of this Act; *provided*, that the owner of the Chimiles Rancho in Napa County shall have sole power to locate such portion of said road as may be embraced within the limits of said Chimiles Rancho.
- Proviso.** **Route.** SEC. 2. It shall be the duty of the three Viewers to proceed as soon as may be agreed upon to Suisun City, Solano County, and survey, locate, and establish a public road from said town, by the nearest and most practicable route, running through Suisun, Gordon, and Berryessa Valleys, to Knoxville, in Lake County, and to report their proceedings in the premises to the Boards of Supervisors of the Counties of Solano and Lake, on or before the first Monday in March, one thousand eight hundred and sixty-six. The said report shall embrace the expense of the Viewers in the performance of their duties, the width of the road, which shall not at any place be less than forty feet. They shall also report and proportion the amount of damage that will in their opinion be sustained by any person or persons by reason of the location of said road, to each of the said counties; the said Viewers shall also, at the time of the laying out said road, inform the occupants of lands upon which the road is located, that they may appear before the Boards of Supervisors at Fairfield, in Solano County, or Lakeport, in Lake County, at their session on the first Monday of May, one thousand eight
- Publication of notice.**
- Damages.**
- Report.**
- Damages.**

hundred and sixty-six, and make application for such damages as they may claim by reason of the location of said road.

SEC. 3. It shall be the duty of the Boards of Supervisors of the Counties of Solano and Lake to meet at the county seats of their respective counties on the first Monday of May, one thousand eight hundred and sixty-six, and upon the receipt of the report of the Viewers appointed in section one of this Act, to declare the road as located by the Viewers thereof a public highway. The said Boards of Supervisors shall, at the same time, upon any person or persons making known his or their claim for damages by reason of the location of said road upon their lands, consider the same, and award all damages that may seem just and proper; *provided*, that said damages shall be paid according to the regulations of the general road law, and that if any person or persons shall claim that the amount so awarded is not sufficient to pay the damages suffered by him or them, that it shall be competent for such party to appeal from such decision, according to the provisions of the general laws of this State; and, *provided*, further, that where said road shall follow the line of any road already legally established, no damages shall be awarded; and, *provided*, further, the County of Solano shall pay to the owner of the Chimiles Rancho the sum of eighteen hundred and seventy-five dollars, out of the General Fund of said county; *provided*, said owner shall accept said sum in payment for all damages sustained by reason of the location of said road across the said Chimiles Rancho; and the citizens along the route of said road shall deposit with the County Treasurer on or before the first Monday of May, one thousand eight hundred and sixty-six, the sum of five hundred dollars in gold coin.

SEC. 4. All persons who claim damages by reason of the location of the road aforesaid, other than the owner of the Chimiles Rancho, shall, on the first Monday in May, one thousand eight hundred and sixty-six, make application for the allowance of the same by the Boards of Supervisors of the Counties of Solano and Lake, and failing to do so, they shall be considered as waiving all rights to damages, and as dedicating the lands affected by the location of said road to the public use as a highway, and shall forever be a bar to any action for damages in any of the Courts of this State; *provided*, that if any owner of any portion of the land upon which said road is located, shall not have received notice as provided for in this Act, then he or they shall be allowed one month after the road shall have been declared a public highway in which to file his claim with the Clerks of the Boards of Supervisors as provided in section one of this Act, which shall be passed upon by said Boards at their first regular meeting thereafter.

SEC. 5. When the report of the Viewers shall have been received and approved, the said Boards of Supervisors shall declare the road open, and all damages that are or may be allowed by the said Boards of Supervisors of said Counties of Solano and Lake shall be paid by the respective counties out of the General Fund of said counties, in the following manner, viz: as soon as

the amount of damages to which any claimant is entitled shall have been awarded, as in this Act provided, the Auditors of the said counties shall, on the order of the Boards of Supervisors, draw their warrants on the County Treasurers of said counties for the amounts found due, and deliver such warrants to the Sheriff of his county, who shall immediately, or as soon thereafter as sufficient funds are in the General Fund, draw said amount and immediately pay the same over to the claimants entitled thereto; *provided*, all damages arising from the location of said road within the County of Napa, except that paid to the owner of the Chimiles Rancho, shall be paid in an equal proportion, one half each by Solano and Lake Counties.

Proviso.**Road to
be kept
in repair.****Expense,
how paid.**

SEC. 6. The Counties of Solano and Lake shall maintain and keep in repair the said highway, located under the provisions of this Act, and it shall not be altered or vacated without the consent of the Board of Supervisors of Solano County; *provided*, the expense of maintaining and repairing so much of said highway as may be in the County of Napa, shall be equally divided between Solano and Lake Counties, and the County of Solano shall pay all expenses of viewing and surveying said road, as provided by law under the road law of said county.

SEC. 7. This Act shall have full force and effect from and after its passage; and all Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed so far as they interfere with the operation of this Act, and no further.

CHAP. CCCCLXXV.—*An Act to amend an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two, and an Act amendatory thereof, approved April fourth, eighteen hundred and sixty-four.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifteen of said Act is hereby amended so as to read as follows:

**Duties of
Clerk of
Equalization
and Auditor.**

Section 15. During the session, or as soon as possible after the adjournment of the Board of Equalization, its Clerk shall enter upon the assessment roll of each township all the changes and corrections made by the Board, and thereupon deliver the assessment rolls so corrected to the County Auditor, whose duty it shall be to add up the columns of valuation, and enter the total valuation of each description of property on the roll of each township, and also carry out in a separate money column the total of taxes, composed of State, county, and other taxes, to each person; and on or before the third Monday in September he shall deliver the original assessment roll of each township, and on or before the second Monday in November the subsequent assessment roll of each township, with his certificate

thereto attached, and also the map or plat book, to the Tax Collector for whom the assessment roll was made.

Sec. 2. The provisions of this Act, as amended, shall only apply to the County of El Dorado.

Sec. 3. This Act shall take effect from and after its passage.

CHAP. CCCCLXXVI.—*An Act to regulate the salaries and compensation of certain officers in the County of Tehama.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The County Clerk, the Sheriff, the Assessor, and ^{Compensation.} the District Attorney of said County of Tehama shall be allowed for all services which now are or may hereafter be required by law to be performed by said officers, or either of them, for said county, the following compensation, to be paid out of the County Treasury of said county in the same manner as other county charges are paid, the same to be in full for all services rendered by them for said county.

Sec. 2. The County Clerk of said county, for all services as ^{Salary of} _{County Clerk} County Clerk, or as ex officio Clerk of the District Court, County Court, Probate Court, County Recorder, County Auditor, Clerk of the Board of Canvassers, Board of Supervisors, Board of Equalization, and in all other capacities, six hundred dollars per annum. The said County Clerk shall receive, in addition thereto, the sum of twenty-four hundred dollars per annum; *provided*, said sum of twenty-four hundred dollars per annum shall be received by him from the fees which are now or may hereafter be allowed to said Clerk for services as ^{Proviso.} County Clerk, Clerk of the District Court, Clerk of the Probate Court, County Recorder, County Auditor, or otherwise. Said Clerk _{Fee book.} shall keep a book, in which he shall record all the fees received by him, or which shall be due him, for any and all services rendered by him in his capacity as County Clerk, Clerk of the District Court, Clerk of the County Court, Probate Court, Board of Supervisors, or otherwise, which said book shall be open at all times to public inspection; and said Clerk and his bondsmen shall be and they are hereby made liable and responsible in United States gold or silver coin, to the said County of Tehama, for all moneys paid to or due to him for services rendered in his official capacity as above mentioned; and at the end of each of his official years he shall make a full statement thereof to the Board of Supervisors of said county, and if there is a surplus over and above the said twenty-four hundred dollars, he shall pay the same to the County Treasurer, who shall place the same in the General Fund of said county.

Sec. 3. The Sheriff, for all services as Jailer or otherwise, ^{Salary of} _{Sheriff.} (except for the board of prisoners,) shall receive one thousand dollars per annum in United States gold coin.

Salary of Assessor. SEC. 4. The Assessor of said county, for his services as such Assessor, shall receive in United States gold coin a sum not exceeding five dollars per day for every day actually engaged as such Assessor, said sum to be fixed by the Board of Supervisors of said county; *provided*, that said Assessor shall not be allowed for more than ninety days.

District Attorney. SEC. 5. The District Attorney shall receive in United States gold coin the sum of eight hundred dollars per annum.

SEC. 6. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Takes effect in 1868. SEC. 7. This Act shall take effect and be in force from and after the first Monday of March, eighteen hundred and sixty-eight.

CHAP. CCCCLXXVII.—*An Act authorizing the Board of Supervisors of Plumas County to appropriate certain moneys to the relief of William I. Bradford.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority to pay claim. SECTION 1. The Board of Supervisors of Plumas County are hereby authorized and directed to pay to William I. Bradford the sum of two thousand five hundred dollars, out of the moneys which have been or hereafter may be received by said Plumas County from the County of Lassen, under the provisions of an Act of the Legislature entitled an Act to create the County of Lassen, to define its boundaries, and provide for its organization, approved April first, eighteen hundred and sixty-four.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXVIII.—*An Act to authorize the Pacific Accumulation Loan Company to change its name.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Proceedings necessary to change name. SECTION 1. The Pacific Accumulation Loan Company, a corporation formed under the laws of this State, on the fourth day of February, eighteen hundred and sixty-five, by articles of incorporation duly filed in the office of the County Clerk of the City and County of San Francisco, and in the office of the Secretary of State, is hereby authorized to change its name, as in this Act provided, and to assume the name of the "Pacific Bank." Such change of name shall be effected in the following manner: The President and Secretary of said Pacific Accumula-

tion Loan Company may execute a certificate stating that the said corporation known as the Pacific Accumulation Loan Company, has changed its name to that of the "Pacific Bank." Such certificate shall be acknowledged before a Notary Public or other officer authorized to take acknowledgments of deeds, and shall be attached to a certified copy of this Act, and shall be filed in the office of the County Clerk of the City and County of San Francisco, and a copy of such certificate shall be filed with the Secretary of State, and thereafter the said corporation shall be known as the "Pacific Bank," and by and under that name may sue and be sued, and shall enjoy all the corporate rights, powers, and privileges enjoyed heretofore and now under the laws of this State, and shall be subject to all the corporate obligations and responsibilities created by their said Act of incorporation, or existing under the name of said "Pacific Accumulation Loan Company."

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXIX.—*An Act relating to the public roads in Lake County.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Supervisors of Lake County shall and are hereby required at their next meeting after the passage of this Act, and at their first regular meeting each year thereafter, to levy and assess to each person on the last assessment roll of said county work upon the highways not exceeding one day for each three hundred dollars valuation; and it is hereby provided, that all persons assessed for less than three hundred dollars shall be assessed to pay one half day's work upon the highway.

SEC. 2. All persons residents of said county between the ages of twenty and sixty years, Indians excepted, shall pay a poll tax of three days labor upon the highway, or may commute therefor by paying on demand to the Road Master, in gold and silver coin of the United States, the sum of one dollar and fifty cents for each day so assessed.

SEC. 3. It shall be the duty of the Road Masters in said county to warn out all persons liable to pay a poll or labor tax, as may have been assessed by the Board of Supervisors, giving two days notice of the time and place for performing said labor. He shall also have authority, in case such persons neglect to appear as herein required, and who shall not commute as provided in section two of this Act, [to] proceed against said delinquent before any Justice of the Peace in and for said township as hereinafter provided.

SEC. 4. The Road Master shall give bonds not exceeding one thousand dollars, as may be required by the Board of Supervisors, with sureties; which bond shall be approved by the

County Judge as other official bonds, and conditioned for the faithful discharge of his duties as Road Master under the provisions of this Act.

Duties and pay of Road Master. SEC. 5. The Road Masters shall be allowed pay for their services as is now provided by law or by order of the Board of Supervisors; but no Road Master in said county shall be allowed any compensation for more than thirty days' time expended in the discharge of his duties as Road Master. It shall also be his duty during the term for which he may have been elected to keep his roads in repair, and for that purpose he shall have authority to call out as many men as are necessary living in his district liable to pay taxes therein to make or assist in making such repairs, giving them a receipt for the labor so performed, which amount shall be applied on their next year's assessment for highway labor.

Powers. SEC. 6. Every Road Master in and for said county shall have power to require a team, cart, wagon, or plough, with a pair of horses or oxen, and a man to manage them, from any person having the same in his district who shall have been assessed three days or more, and who shall not have commuted for his assessment; and the person so furnishing upon such requisition shall be entitled to a credit of three days for each day's service so rendered. Every person assessed to work on the highways, and warned to work, may appear in person or by an able bodied substitute; and the person or substitute so appearing shall actually work eight hours in each day, under the penalty of fifty cents for every hour such person or his substitute shall be in default; and the person furnishing such substitute shall be held responsible for his neglect or idleness while working upon the highways, to be sued for and collected as hereinafter provided.

Penalty for idleness. SEC. 7. If any such person or substitute shall, after appearing, remain idle, or not work faithfully as directed by the Road Master, or hinder others from working, such offender shall, for every offence, forfeit the sum of three dollars; and it shall be the duty of the Road Master to collect the same as hereinafter provided.

Penalty for neglect or refusal to appear. SEC. 8. Every person so assessed and duly notified who shall not commute therefor within three days after such notice by paying to the Road Master the sum of one dollar and fifty cents for each day so assessed, as provided in section two of this Act, and who shall refuse or neglect to appear as provided in this Act, shall forfeit the sum of three dollars for each day so in default. If he was required to furnish a team, cart, wagon, man, or implements, and shall refuse or neglect to comply, he shall be fined as follows:

First—For wholly omitting to comply with the requisition, six dollars for each day;

Second—For omitting to furnish a cart, wagon, or plough, four dollars for each day;

Third—For omitting to furnish a pair of horses or oxen, four dollars for each day;

Fourth—For omitting to furnish a man to manage the team, two dollars for each day.

SEC. 9. Any person, company, or corporation, who may have in their employ men who are entitled to pay a road poll tax

under the provisions of this Act, and who have neglected or refused to pay the same, such person, company, or corporation shall be notified thereof by the Road Master, and they shall thereby become responsible for such road poll tax or so much thereof as at the time of serving said notice was due by them to said delinquents, and said person, company, or corporation, when so required by the Road Master, shall make a statement of his indebtedness to such person or persons so delinquent, and verify the same by oath or affirmation, and such amounts so due to such person or persons he shall pay to the Road Master, and in case he shall neglect or refuse to pay the same when demanded, it shall be the duty of the Road Master to collect the same as provided in sections ten, eleven, and twelve of this Act.

SEC. 10. It shall be the duty of every Road Master, within twenty days after any person so assessed and notified shall be guilty of any refusal or neglect for which a penalty or fine is prescribed in this Act, (unless a satisfactory excuse shall be rendered to him for such refusal or neglect,) to make complaint, on oath, to one of the Justices of the Peace of said township.

SEC. 11. The Justice to whom such complaint shall be made shall forthwith issue a summons, directed to any Constable of the county, requiring him to summon such delinquent to appear forthwith before such Justice, at some place to be specified in the summons, to show cause why he should not be fined according to law for such refusal or neglect, which summons shall be served as provided by law in other cases.

SEC. 12. If, upon the return of such summons, no sufficient cause shall be shown to the contrary, the Justice shall impose such fine as is provided in this Act for the offence complained of, and shall forthwith issue an execution under his hand and seal, directed to any Constable of the county, commanding him to levy the same, with the costs of the proceedings, on any goods, chattels, or property belonging to such delinquents, and by public auction, giving two days' notice thereof, sell the same or so much thereof as will pay the fine and costs of suit, and pay the moneys so collected over to the Justice of the Peace who issued the execution, who is hereby required to pay the same to the Road Master who entered the complaint, to be by him expended in improving the roads and bridges in the district of which he is Road Master.

SEC. 13. Every Road Master in and for said County of Lake shall, on the next regular meeting of the Board of Supervisors preceding the expiration of their term of office, render to said Board an account in writing, verified by his oath or affirmation, and containing:

First—The names of all persons liable or assessed to work on the highways of which he is Road Master;

Second—The names of all those who have worked on the highways, with the number of days they have so worked;

Third—The names of all those who have been fined, and the sums in which they have been fined;

Fourth—The names of all those who have commuted, and the amount of money so received by him, and the manner in which

Duties of
companies or
corporations.

Duty of
Road Master

Duty of
Justice of
the Peace.

Report of
Road Master.

the moneys arising from such fines and commutations have been expended.

Report of Road Master. SEC. 14. The Road Master shall also further report to the Board of Supervisors the condition of the roads in his district, and what amount of labor in his judgment under section one of this Act will be necessary for making and repairing the same; he shall also state what amount of labor he has drawn upon the next year's assessments for highway labor, and by whom such labor has been performed, and the number of days they have respectively worked.

Malfeasance of Road Master. SEC. 15. Every Road Master who shall be in default of his duty as required by this Act, or who shall refuse or neglect to render such account as provided by sections thirteen and fourteen, shall for such default, neglect, or refusal, forfeit the sum of fifty dollars; and it is hereby made the duty of the District Attorney, by order of the Board of Supervisors, within thirty days after said accounts should have been rendered, to proceed to collect the same of said Road Master, or of the sureties on his bond, and pay over such fines to the County Treasurer, who is hereby required to pay such fines to the successor of such Road Master, and by him to be expended in like manner as other fines and commutations in his district.

SEC. 16. All laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 17. This Act to be in force from and after its passage.

CHAP. CCCCLXXX.—*An Act concerning the office of Sheriff of the City and County of San Francisco.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Bailiff.

SECTION 1. The Sheriff of the City and County of San Francisco may appoint a deputy to act as Bailiff for the Fifteenth District Court of said city and county. Said deputy shall receive a salary of one hundred and fifty dollars monthly, which salary is to be audited and paid in the same manner as the salaries of other deputies of said Sheriff.

Appointment confirmed.

SEC. 2. The appointment of Deputy Sheriff for the Fifteenth District Court of said city and county heretofore made by the Sheriff of said city and county under authority of an order of the Judge of said Court, and of an ordinance of the Board of Supervisors of said city and county, is hereby declared a valid and legal appointment; *provided*, that this ratification shall not be so construed as to allow the appointment of two Deputy Sheriffs for said Court.

Proviso.

SEC. 3. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXXI.—*An Act for the relief of T. M. Brown.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby authorized and directed to draw his warrant in favor of T. M. Brown, for the sum of forty-six dollars and ninety-two cents, that being the amount of the State's portion (less the percentage) of forty-six poll tax receipts lost by the said T. M. Brown on or about the first day of February, eighteen hundred and sixty-four; and the State Treasurer shall pay said warrant out of any money in the General Fund not otherwise appropriated.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXXII.—*An Act to pay the claim of G. J. Overshiner.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of fifty-four dollars and twenty-five cents, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the claim of G. J. Overshiner; and the Controller of State is hereby directed to draw his warrant on the State Treasurer in favor of said G. J. Overshiner for the sum of fifty-four dollars and twenty-five cents.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCLXXXIII.—*An Act to amend an Act entitled an Act concerning the salary and fees of the Coroner of the City and County of San Francisco, approved March twelfth, eighteen hundred and sixty four.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION. 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. The salary to be allowed and paid to the Coroner ~~salary~~ of the City and County of San Francisco, shall be twenty-five hundred dollars per annum.

SEC. 2. Section four of said Act is hereby amended so as to read as follows:

Repeal.

Section 4. An Act entitled an Act concerning the salary and fees of the Coroner of the City and County of San Francisco, approved April eighth, eighteen hundred and sixty-two, and all other Acts and parts of Acts inconsistent with this Act, are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXXIV.—*An Act for the relief of S. F. Doane.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropria-
tion.

SECTION 1. The sum of one hundred and three (\$103) [dollars] is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to pay the claim of S. F. Doane for services as witness in the Horace Smith trial, and the Controller of State is hereby authorized and directed to draw his warrant on the State Treasurer in favor of said S. F. Doane for the sum above appropriated, and the Treasurer is authorized to pay the same.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCLXXXV.—*An Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirteen of said Act is amended as follows:

Section 13. The real and personal estate which it shall be lawful for any such corporation to purchase, hold, and convey, shall be:

**Value of lot
or building.**

First—The lot and building in which the business of the company may be carried on; *provided*, that the cost of the same shall not exceed one hundred thousand dollars, except on a vote of two thirds of the stockholders, in which case it shall be lawful for such corporation to increase the sum to be invested for such purpose to two hundred and fifty thousand dollars;

Second—Such as shall have been mortgaged or pledged to it,

or conveyed in trust for its benefit, in good faith, for money <sup>Mortgaged
property, etc.</sup> loaned in pursuance of the regular business of the corporation;

Third—Such as shall have been purchased at sales under <sup>Real estate
must be sold</sup> pledges, mortgages, or deeds of trust made for its benefit, or <sup>within five
years.</sup> upon judgment or decrees obtained or rendered for money so ^{so} loaned. And the said corporation shall not purchase, hold, or convey real estate in any other case or for any other purpose; and all such real estate as is described in the second and third subdivisions of this section shall be sold by the said corporation within five years after the same shall be vested in it by purchase or otherwise; and the said corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares, or merchandise whatever, except such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business, and except bonds, securities, or evidences of indebtedness, public or private, gold and silver bullion, and United States Mint certificates of ascertained value, and evidences of debt issued by the United States; *provided*, that no ^{Proviso.} corporation formed under the Act to which this is amendatory shall have authority to purchase, hold, or convey bonds, securities, or evidences of indebtedness, public or private, except bonds of the United States, of the State of California, and of the counties of the State of California, unless such corporation has a capital stock or reserve fund, or both capital stock and reserve fund, paid in, of not less than one hundred thousand dollars.

CHAP. CCCCLXXXVI.—*An Act granting leave of absence to Romualdo Pacheco, Treasurer of the State of California.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Romualdo Pacheco, State Treasurer of the State <sup>Leave of
absence.</sup> of California, is hereby granted leave of absence from this State for the period of four months, at such time as he may select during his term of office.

Sec. 2. This Act and the leave of absence therein granted <sup>Sureties to
consent.</sup> shall take effect when the sureties of the said Treasurer shall execute an instrument in writing, in due form, expressing their consent thereto, and file the same with the Secretary of State.

CHAP. CCCCLXXXVII.—*An Act to authorize and require the Board of Supervisors of Solano County to pay certain claims.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Claim allowed.

SECTION 1. The Board of Supervisors of Solano County are hereby authorized and required to audit and allow, and cause to be paid, in the manner prescribed by law, the claim of A. Lovall and others, or their assigns, for services rendered said county, at the request of the Sheriff, in guarding the County Jail, from December fifteenth, eighteen hundred and sixty-three, to January twenty-fifth, eighteen hundred and sixty-four, or so much thereof as they shall decide to be justly and equitably due for such services; *provided*, that the amount so audited and allowed shall not (when taken together with all sums heretofore allowed and paid by said Board on account of said claims, including all costs and attorneys' fees paid by said county in connection with said claim, in the case of J. M. Neville vs. Solano County) exceed the sum of seven hundred and ninety-two dollars.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXXVIII.—*An Act supplementary to and amendatory of an Act entitled an Act to authorize the County of Placer to subscribe to the capital stock of the Central Pacific Railroad Company of California, and to provide for the payment of the same, and other matters relating thereto.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors may sell or exchange stock.

SECTION 1. The Supervisors of the County of Placer are hereby authorized and required, whenever opportunity occurs, to sell any or all of the stock held or owned by the said County of Placer in the Central Pacific Railroad Company of California; *provided*, that such sale shall be at not less than the par value of the stock so sold, and shall be for cash, and in the gold and silver coin of the United States; and, *provided*, further, that said Supervisors may at any time exchange the said stock owned by the county for the railroad bonds of the county issued for the payment of said stock; but in such exchange no more stock at par value shall be given than the par value of the bonds received in exchange therefor.

SEC. 2. The proceeds of such sales shall be paid into and be a part of the Railroad Fund of said county, and be disposed of as other moneys in said fund.

SEC. 3. Whenever there shall be a surplus of money in the General Fund of the county, the Supervisors may, in their dis-

cretion, use the same, or any portion thereof, in the purchase and redemption of the railroad bonds of the county. For the purpose of such purchase and redemption, the Supervisors shall advertise in a public newspaper published in said county, for a period of not less than four weeks, for sealed proposals for the redemption of said bonds. Within ten days after such publication the Supervisors shall open the sealed proposals, and shall pay and liquidate upon the lowest and best bids, as far as such surplus will permit; *provided*, that no bid or proposal shall be accepted and paid at a price greater than seventy cents for one dollar of bonds at par value; and no proposal shall be considered unless the bonds with all the unpaid coupons annexed proposed to be surrendered shall accompany the sealed proposals.

SEC. 4. For the purpose of any proceeding under this Act, the par value of the stock mentioned shall be the amount expressed upon the certificate of the stock, and the par value of the bonds shall be the amount expressed in the body of the bonds without the addition of the amounts of the unpaid interest coupons originally attached thereto; and no bonds shall be accepted, purchased, or redeemed, under any provision of this Act, unless all the unpaid coupons originally attached thereto shall be surrendered with the bonds.

SEC. 5. Section seventeen of said Act is hereby amended so as to read as follows:

Section 17. The said Board of Supervisors shall have authority to authorize a committee of any one or more of their number, or any other persons, to attend all meetings of the stockholders of said company, and to cast all votes representing the capital stock so subscribed and held by the said county. Committee to attend meetings.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXXIX.—An Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the payment of the two several county warrants issued by the Auditor of Alpine County, on the seventh (7th) day of April, one thousand eight hundred and sixty-five, and payable to the County of Amador, in the sum of five thousand dollars each, and numbered respectively Three Hundred and Forty-Three, payable on the eighteenth day of November, eighteen hundred and sixty-six, and Three Hundred and Forty-Four, payable on the eighteenth day of November, eighteen hundred and sixty-seven, is hereby extended for the period of two years from the date of the passage of this Act; and said warrants shall not be due and payable, the first, Number Three Hundred and Forty-Three, until the eighteenth day

of November, eighteen hundred and sixty-eight, and the second, Number Three Hundred and Forty-Four, until the eighteenth day of November, eighteen hundred and sixty-nine.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXC.—An Act entitled an Act to require the District Attorney of Merced County to reside at the county seat of said county.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

District Attorney to reside at county seat. SECTION 1. The District Attorney of Merced County is by this Act required, from and after the first Monday in May, one thousand eight hundred and sixty-six, to reside and keep his office at the county seat of said county. Should the District Attorney of said county neglect or refuse to comply with the requirements of this Act, he shall forfeit his salary and all the fees of his office.

Sec. 2. This Act shall take effect from and after the first Monday in May, one thousand eight hundred and sixty-six.

CHAP. CCCCXCI.—An Act to fix the compensation of officers in Monterey County, and make the County Clerk ex-officio Recorder.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary of County Clerk SECTION 1. The County Clerk shall be ex-officio Recorder. The County Clerk, as such, shall receive the sum of five hundred dollars per annum in full for all services as Clerk of the Board of Supervisors and Clerk of the Board of Equalization, or in whatsoever capacity he may be authorized and required to act, except in tax suits and other civil business.

Sec. 2. The following shall be the compensation of officers of the County of Monterey, to be paid out of the County Treasury:

County Judge, and other county officers. County Judge, one thousand dollars per annum, from and after the expiration of the term of the present incumbent;

District Attorney, five hundred dollars per annum, and his fees as now allowed by law;

Superintendent of Public Schools, three hundred dollars per annum;

County Treasurer, one thousand dollars per annum;

County Auditor, three hundred dollars per annum;

County Assessor, nine hundred dollars per annum;

Interpreter, three dollars per day.

SEC. 3. All moneys which, under the laws of this State, the Sheriff, as ex officio Tax Collector of the County of Monterey, is now authorized to collect and receive, and moneys due to or destined by law to be collected and handed over to the County Treasurer, (except as hereinafter mentioned,) shall henceforth be payable and be paid directly to the Treasurer of said county, and not to the Sheriff as ex officio Tax Collector; and the said County Treasurer, exclusively, shall exercise and perform all the powers and duties conferred or enjoined upon the Sheriff as ex officio Tax Collector by the provisions of the Act entitled an Act for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, except those specified in sections thirty and thirty-one of said Act, the provisions of which sections shall continue in force, and the powers, duties, and obligations of the Sheriff as ex officio Tax Collector therein mentioned; and his powers, duties, and obligations under the laws providing for the collection of license taxes are also hereby declared to continue and remain in full force; and the Assessor of the County of Monterey is hereby constituted and declared to be ex officio Collector of all poll taxes, with all the powers, duties, obligations, and the compensation provided and prescribed by law.

SEC. 4. Any compensation or allowance made by the general revenue or other laws of this State, out of the State Treasury, or funds to the Assessor, Auditor, Treasurer, or Clerk of the Board of Equalization, shall hereafter be retained in or be paid into the County Treasury as part of the Current Expense Fund of the county (except the mileage allowed by the State) to the County Treasurer, which mileage he shall be entitled to receive and retain to his own use; and no law which shall hereafter be enacted providing for increasing the compensation of any county officer or officers shall be deemed or construed to apply to such office or officers of the County of Monterey, unless it be therein so provided by the express mention and including of said county by name.

SEC. 5. No demand on the County Treasurer shall be allowed by the Auditor in favor of any person in any manner indebted to the county or to the Treasurer thereof, without first deducting such indebtedness, nor in favor of any officer whose accounts shall not have been rendered and approved, or who shall have neglected or refused to make his official returns or reports in writing, as required by law, or in favor of any officer who shall knowingly and wilfully neglect to perform any of the duties of his office, after being thereunto admonished and required in writing, by order of the Board of Supervisors. The Auditor shall have power to examine orally or otherwise, on oath, the person presenting any demand on the Treasury, or the agent or attorney of such person, or any other person, in order to ascertain any facts necessary or proper for him to know in order to determine his allowance or disallowance of such demand. But the auditing of any demand upon the Treasurer, which, upon its face and indorsement thereon, shall appear not to be expressly authorized by law, shall afford no warrant for the payment thereof.

**Pay of
witnesses.**

SEC. 6. Witnesses shall receive two dollars per day in a Court of record, and no mileage. Grand and trial jurors shall receive two dollars per day in a Court of record from the time they are sworn in until they are discharged, but no mileage shall be allowed.

SEC. 7. No other additional or greater compensation than as hereinbefore specified shall be allowed and paid out of the County Treasury to any county officer whose compensation is fixed by this Act, for any official services whatsoever.

**Election of
Auditor.**

SEC. 8. At the next general election to be held in eighteen hundred and sixty-seven, there shall be elected an Auditor, who shall not make any county officer his deputy.

SEC. 9. The County of Monterey is hereby exempted from and is excepted from every provision of law which is in conflict or inconsistent with the provisions of this Act.

SEC. 10. This Act shall take effect and be in force on the first Monday in March, eighteen hundred and sixty-eight.

CHAP. CCCCXCII.—*An Act to provide for the construction of a wagon and turnpike road from the San Joaquin River to Owen's River.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise.

SECTION 1. S. A. Goust, James McCardle, C. P. Converse, R. Abbott, and R. W. Graham, and their associates and assigns, are hereby authorized to construct and maintain a wagon and turnpike road between the San Joaquin River, Fresno County, and Owen's River, Mono County, California, or to the State line, as the parties herein named may elect; said road commencing at Converse's Ferry, and running up or near the San Joaquin River, crossing Fine Gold Gulch and the North Fork of the San Joaquin River; thence by the most practicable route to a point on Owen's River at or near Owensville, with the privilege of constructing a branch road at a point on or near the San Joaquin River to and down Big Pine Creek, a tributary of Owen's River; and the said grantees and their associates are hereby authorized to bridge the San Joaquin, Owen's River, and their tributaries, at such points as the said road may cross the same, and collect such tolls upon said road, for the period of twenty years from and after the completion thereof, as may be fixed by the Board of Supervisors of the County of Fresno;

Rate of tolls. provided, however, that such rates of toll shall not be so reduced as to produce an income of less than twenty-four per cent per annum upon the cost of constructing said road and bridges over and above the expense of collecting the tolls and keeping said road and bridges in repair; provided, further, that said company shall be authorized to collect tolls, to be fixed as in this section provided, upon any ten miles of said road as soon as such portion thereof shall be completed; provided, further, that the sur-

vey and location of said road shall be commenced within six months after the passage of this Act, and the entire line of said road shall be completed within five years from and after said survey and location shall be completed, otherwise the rights herein granted shall be forfeited, and the Act become null and void.

SEC. 2. Said company shall have the right of way over and along the route of said road, and shall have all the rights to enter upon and occupy private lands necessary to the location thereof, and to take and use any timber, rock, earth, or other material necessary to the construction and repair thereof, which are conferred upon railroad companies by an Act for the incorporation of railroad companies, approved May twentieth, A. D. eighteen hundred and sixty-one.

SEC. 3. It shall be lawful for said company to throw open their road for such period as they may deem proper, by giving one week's notice by publication in a newspaper published in said County of Fresno, and if no newspaper is published in said county, then by posting notices in three public places within said county, of the date of such opening; and during the time said road remains so open said company shall not be required to keep said road in repair, and shall not be liable for damages accruing in consequence of defects therein, and shall collect no tolls thereon during such time.

SEC. 4. The Act of May twelfth, A. D. eighteen hundred and fifty-three, authorizing the formation of corporations for the construction of plank and turnpike roads, is hereby made applicable to said company, except so far as it may conflict with the provisions of this Act.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCCCCXIII.—*An Act amendatory of and supplementary to an Act entitled an Act for the preservation of seals, or sea lions, at and near the entrance to the Harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

[SECTION 1.] Section one of the above entitled Act is hereby amended so as to read as follows:

Section 1. From and after the passage of this Act it shall not be lawful for any person or persons to shoot or otherwise kill or destroy any seals, or sea lions, within one mile of the [beach] or sea shore at Point Lobos, in the City and County of San Francisco, or within one mile of the beach or sea shore extending five miles eastwardly and five miles westwardly from the Town of Santa Cruz, in the County of Santa Cruz; and for every violation of the provisions of this Act, the party or parties offend-

Penalty for killing seals.

ing may be fined a sum not less than twenty-five nor more than two hundred dollars.

[SEC. 2.] Section two of the above entitled Act is hereby amended so as to read as follows:

Jurisdiction. Section 2. Any Justice of the Peace in the City and County of San Francisco, or in the County of Santa Cruz, shall have jurisdiction to hear, try, and determine any complaint under this Act made in the county where such Justice resides, and the fine or fines imposed by any judgment shall be collected, and one half thereof shall be paid to the informer, and the other half to the Common School Fund of the county wherein such offence is committed, first deducting costs and expenses of prosecution.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCCXCIV.—*An Act to amend an Act entitled an Act to fix the compensation of the District Attorney of the County of Contra Costa, approved February ninth, A. D. eighteen hundred and sixty.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is amended so as to read as follows:

Duties of District Attorney. Section 2. It shall be the duty of the District Attorney to defend all suits of a civil nature brought against the County of Contra Costa, and also all suits brought against the officers of said county in which said county is the real party in interest; and for such services the District Attorney shall be entitled to receive a reasonable compensation, to be determined by the Board of Supervisors, and to be allowed and paid as other county indebtedness. The provisions of this Act shall apply to all actions now pending against said officers, and to all actions which may hereafter accrue, and which may have been or shall be defended by the District Attorney.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCXCV.—*An Act authorizing the Auditor and Treasurer of Mendocino County to purchase certain books for the use of their offices.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Books to be purchased. **SECTION 1.** The Auditor and Treasurer of the County of Mendocino are hereby authorized and required, respectively, to procure for use in their respective offices suitable books, in addi-

tion to the books already provided for said offices, which shall be used for the purpose of keeping, in separate books, each and every fund for which the public moneys are set apart respectively by law.

Sec. 2. Said books shall be procured as soon as practicable after the passage of this Act, and as soon as procured shall be used for the purposes mentioned in section one of this Act. It is hereby made the duty of the Supervisors of said county to audit and allow the accounts of said Auditor and Treasurer for the books purchased by virtue of this Act when presented; *provided*, that the costs of said books shall not exceed in the aggregate two hundred dollars.

Sec. 3. This Act shall take effect from and after its passage.

CHAP. CCCCCXCVI.—*An Act to ratify and confirm a certain ordinance of the City of San José in relation to supplying the City of San José with water.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. WHEREAS, the Common Council of the City of San José passed an ordinance on the seventeenth day of February, A. D. eighteen hundred and sixty-five, which ordinance is in the words and figures following, to wit:

"Be it ordained by the Mayor and Common Council of the City of San José as follows:

"SECTION 1. The exclusive right is hereby granted to Donald ~~Franchise~~ McKinzie and his assigns, to supply the inhabitants of the City of San José with good and pure water for the term of twenty-five years from and after the passage of this ordinance; *provided*, that he will complete his work and introduce good and pure water for use within eighteen months from the date of the passage of this ordinance.

"Sec. 2. The exclusive right is hereby granted to Donald ~~Right to lay pipes.~~ McKinzie and his assigns, to lay pipes through any and all the streets of this city (at his option) when the public demands may require, for the purpose of supplying good and pure water to the inhabitants thereof, for the period of twenty-five years; and, *provided*, that after said term it shall not be lawful for any ~~Proviso.~~ other company or corporation to lay pipes for a like purpose nearer than two feet six inches of those laid by the said McKinzie and his assigns, except where they may require to cross each other.

"SEC. 3. In consideration of the exclusive privileges herein granted to Donald McKinzie and his assigns, it is hereby agreed ~~City may use to extinguish fires.~~ to and in behalf of said Donald McKinzie and his assigns, to and with said city, that if the said city may wish to use the said

water for fire purposes and for the use of the engine houses, they may and shall have the free use thereof for all such purposes, paying only to said McKinzie and his assigns the cost of constructing fire plugs and cocks, and the necessary connections with the mains thereof.

Streets to be repaired.

"SEC. 4. All the streets, alleys, or public places along or through which the main and the distributing pipes for conducting said fresh and pure water may be laid, the dirt or other material displaced in laying such pipes shall be replaced in all cases and fixed in as good order and condition as it may have been before the pipes were laid, and all reasonable dispatch shall be used in excavating and laying such pipes, so as not to cause unnecessary obstruction to the streets, alleys, or public grounds through which the same may pass.

Reservoirs.

"SEC. 5. Said Donald McKinzie and his assigns shall be required to construct a reservoir, of not less than fifty thousand gallons capacity, which shall have an elevation of not less than thirty feet, and the main pipes shall not be of a less diameter than five inches in the clear, and of sufficient strength to carry out the purposes intended by this ordinance.

Other persons may construct.

"SEC. 6. All the rights herein granted to said Donald McKinzie and his assigns, shall in no way operate to prevent the erection of reservoirs of water upon the property of any person or persons within the limits of the city, or the conducting of water from wells or reservoirs made or erected to the premises of other persons, whenever such is done as a matter of accommodation and not of regular business for profit.

When Common Council may establish rates.

"SEC. 7. After the expiration of three years from the first day of April, A. D. eighteen hundred and sixty-five, and on the expiration of every three years thereafter, the Common Council may establish rates of charges for water, which shall not exceed those fixed and being charged by any water company in any town or city in this State in which said water works are supplied by means of pump or pumps; and, *provided*, further, whenever complaint shall be made of exorbitant or unreasonable charges for water, it shall be the duty of the Common Council to examine into the matter, and if in their opinion said complaint is justly made, at the expiration of the time as aforesaid they shall notify the owners or managers of said water works that a committee of two of said Common Council will be appointed, mentioning time and place when said committee will meet two persons appointed by said McKinzie or his assigns, for the purpose of determining in relation to the complaint made; and if said committee cannot agree as to the rates of charges to be made for the sale of water by said McKinzie or his assigns, then an umpire shall be elected by said committee to determine between them, a majority of whom shall be sufficient to establish the rates of water charges for such term. If said McKinzie or his assigns shall fail to appoint such committee when being duly notified so to do by the Common Council, the Common Council then reserves to itself the right to establish the water rates or charges for such term.

Complaint of unreasonable charge.

"SEC. 8. The city reserves to itself the right to purchase said water works and material at the expiration of twenty years, at cost, or at its appraised value, as it may determine.

Right of purchase reserved.

"SEC. 9. This ordinance shall take effect and be in force from and after its passage and approval."

Be it therefore enacted, That the within and before recited ordinance be and the same is hereby ratified and confirmed.

CHAP. CCCCCXCVII.—*An Act to repeal section twelve of an Act entitled an Act to provide for the funding of the indebtedness of the County of Klamath, approved March thirty-first, eighteen hundred and fifty-seven.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twelve of an Act entitled an Act to provide for the funding of the County of Klamath, approved March thirty-first, eighteen hundred and fifty-seven, be and the same is hereby repealed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCCXCVIII.—*An Act to prevent the destruction of fish in the waters of Bolinas Bay, in Marin County.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the passage of this Act it shall be unlawful for any person to use weirs, dams, nets, or seines of any description, for the purpose of catching fish in any of the waters of Bolinas Bay, inside of Bolinas Bar, in Marin County.

SEC. 2. Any person who shall violate the provisions of this Act, shall, upon conviction before any Justice of the Peace in Marin County, pay a fine of not less than ten dollars and not more than fifty dollars, and costs of prosecution.

Sec. 3. Any person so convicted as aforesaid who shall neglect or refuse to pay the fine and costs aforesaid, shall be committed by the Justice of the Peace before whom the conviction is had, to the County Jail of Marin County for a term not exceeding twenty days, or until such fine and costs are paid or satisfied.

Sec. 4. It shall be the duty of the Justice of the Peace in the county aforesaid to take cognizance of all offences against the provisions of this Act, and all suits thereunder shall be prosecuted in the name of the people of the State of California against the person or persons offending.

CHAP. CCCCXCIX.—*An Act fixing the compensation of the District Attorney of Nevada County.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary and fees. SECTION 1. The District Attorney of the County of Nevada shall receive for his official services the sum of twelve hundred dollars per annum, payable out of the General Fund of the county. He shall also receive for all convictions by him procured in the county, for all moneys collected by him in actions upon the part of the county or the State, and for all services rendered in the collection of delinquent taxes, the same compensation now allowed under the general laws of the State to District Attorneys for similar services.

SEC. 2. All Acts and parts of Acts inconsistent with this Act, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after the first Monday in April, A. D. eighteen hundred and sixty-six.

CHAP. D.—*An Act to legalize the acts and proceedings of the Trustees of the Town of Santa Barbara.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Acts confirmed. SECTION 1. The acts and proceedings of the Trustees of the Town of Santa Barbara, created by an Act entitled an Act to incorporate the Town of Santa Barbara, approved February tenth, eighteen hundred and sixty-four, are hereby approved, ratified, and confirmed.

SEC. 2. This Act shall take effect immediately.

CHAP. DI.—*An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Klamath County to levy a special tax, and create a Redemption Fund for the payment of county indebtedness, approved April tenth, eighteen hundred and sixty-two.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. The Board of Supervisors of Klamath County may ~~Levy of tax.~~
levy annually, in addition to other taxes provided for by law, a
special tax not to exceed twenty-five cents upon each one hundred
dolars in value of all taxable property in said county; and
said tax shall be collected at the same time and in the same
manner as other taxes are collected in said county.

SEC. 2. Section two of said Act is hereby amended so as to
read as follows:

Section 2. The tax provided for in the first section of this ~~Redemption Fund.~~
Act, together with thirty per cent of all moneys received into
the County Treasury for county purposes from the sale of foreign
miners' licenses, shall be set aside and kept as a special fund, to
be called a "Redemption Fund," and shall be held and disbursed
as is hereinafter provided.

SEC. 3. This Act shall take effect and be in force from and
after its passage.

CHAP. DII.—An Act to amend An Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixty-nine of the Act of April twenty-fifth, eighteen hundred and sixty-three, the title of which is recited in the title of this Act, is hereby amended so as to read as follows:

Section 69. The Fire Department of the City of Sacramento ~~Fire Department.~~
shall consist of a Chief Engineer, a First Assistant Engineer, a Second Assistant Engineer, a President, a Vice-President, a Secretary, a Treasurer, a Board of Delegates, a Board of Trustees, and the certificate members of such organized companies as are at present in the department; *provided*, however, that if for any cause any company shall disband or be disbanded, another company may be organized as hereinafter provided, in its place; and, *provided*, further, that in addition to the members of the Board of Delegates, provided for by section seventy-two, there shall be two elected by the Exempt Fireman's Association ~~Exempt delegates.~~
at its annual meeting for the election of officers; and that said members shall hold office for one year, and until their successors are elected and qualified; but, *provided*, that said association shall, at its first regular meeting after the passage of this Act, elect two members of the Board of Delegates, and that the persons so elected shall hold office until the next annual election of officers by said association; and, further *provided*, that said delegates from said association shall not be entitled to a vote in said Board.

SEC. 2. This Act shall take effect on its passage.

CHAP. DIII.—*An Act to appropriate money for the payment of the claims of the California volunteers.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation. SECTION 1. The sum of five hundred and fifty thousand dollars, (\$550,000,) is hereby appropriated for the payment of the claims of the California volunteers which have accrued, or which may hereafter accrue, under the provisions of an Act for the relief of the enlisted men of the California volunteers in the service of the United States, approved April twenty-seventh, one thousand eight hundred and sixty three.

Transfer of funds. SEC. 2. The Controller of State is hereby authorized and required to direct the State Treasurer to transfer from the General Fund to the Soldiers' Relief Fund, the said sum of five hundred and fifty thousand dollars, as follows: three hundred and fifty thousand dollars to be transferred immediately after the passage of this Act, and the remaining two hundred thousand dollars to be transferred on the twentieth day of January, one thousand eight hundred and sixty-seven; and the State Treasurer is hereby authorized and required to make such transfer pursuant to the order of the State Controller.

SEC. 3. All claims arising under the Act named in the first section of this Act, shall be audited and allowed out of the Soldiers' Relief Fund; and all warrants already drawn, or hereafter to be drawn upon the said fund, shall be paid in the order of their issue by the Controller.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. DIV.—*An Act to authorize the Treasurer and Controller to transfer and apply certain funds.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Transfer of funds. SECTION 1. The Treasurer and Controller are hereby directed to transfer from the Swamp Land Fund to the fund of Swamp Land District Number One, the sum of two hundred [and] fifty-nine dollars and twenty cents improperly paid into the State Treasury, and from the money thus transferred the Treasurer is directed to pay Controller's warrants Numbers Four Thousand Six Hundred and Nine, (4,609,) and Five Thousand Four Hundred and Two, (5,402,) drawn on said district fund in the month of December, eighteen hundred and sixty-four, amounting in the aggregate to two hundred and fifty-six dollars and ninety-seven cents.

SEC. 2. This Act shall take effect immediately after its passage.

CHAP. DV.—An Act for the suppression of Chinese houses of ill fame.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All houses of ill fame, kept, managed, inhabited, or used by Chinese women for the purposes of common prostitution, are hereby declared to be public nuisances, and common repute shall in all such cases be received as competent evidence of the character of the house, the purposes for which it is kept or used, and the character of the women inhabiting it.

SEC. 2. Every lease or demise of any house, land, or premises occupied or used for the purpose aforesaid, shall be unavailable and of no force or effect for any purpose in favor of any party cognizant of such unlawful use and consenting thereto, and such party shall have no right or power, by virtue or in consequence of any such lease or demise, either to withhold the possession of the demised premises from the lessor or to maintain any action for the recovery of any rent therefor; nor shall it be lawful for any person cognizant of and consenting to such unlawful use, to collect or receive any rent for any house, premises, or apartments leased, inhabited, or used for the purposes aforesaid; also as against all such parties, lessees, occupants, or inhabitants of such houses, premises, or apartments, the lessor may, on his own authority, with the assistance of the Sheriff or any constable or policeman of the county, which shall be rendered him on demand, abate the nuisance and retake possession of such house, premises, or apartments.

SEC. 3. Any landlord, lessor, or other person cognizant of and consenting to such unlawful use as aforesaid of any land, house, premises, or apartments, occupied, inhabited, or used for the purposes aforesaid, who as principal, agent, attorney, or otherwise, shall collect or receive any money or other valuable thing as rent or otherwise for the use of the same, shall forfeit to the county or city and county where the premises are situated, three times the amount or value thereof, which may be sued for and recovered in the name of such county or city and county, before any Court of competent jurisdiction, and the Court trying the cause shall adjudge one half thereof to the person giving information of the offence, and of the witnesses or evidence thereof, and the other half to the use of the public Treasury of said county or city and county; and in all such actions Chinese men and women shall be competent witnesses.

SEC. 4. Besides the remedies now provided by law for the abatement of public nuisances, it shall be lawful for any Sheriff, Constable, Justice of the Peace, or other public officer, and it

Declared
public
nuisance.

Leases
invalid.

Lessor may
retake pos-
session.

Penalty for
collecting
rent.

Notice to
abate nu-
isance.

shall be the duty of the Mayor or other presiding officer, and the Chief or head of the police force of every town and city, and the duty of the Supervisor of every township or district in which any such house of ill fame shall exist as aforesaid, and each and every of them severally, to cause notice in writing to be given to all persons who may be owners, lessees, tenants, or occupants of any such house of ill fame, or of the land whereon the same is situated, and to all persons who may keep, manage, control, inhabit, or use such house, peremptorily requiring the abatement of such nuisance within three days after the service of

May be posted on door of house. such notice, and such notice may also be posted upon the outside of the outer door or other conspicuous place upon such house of ill fame. In towns and cities the notice may be in such form as the Mayor or other presiding officer, or the Chief or head of the police force may prescribe, and when served, an affidavit showing the time, place, and manner of service, shall be indorsed upon a duplicate thereof, which shall be returned and filed in the office of the Chief or head of the police force, if there be such an officer, and if not, then in the office of the Mayor or other presiding officer of such city or town.

Use of premises after notice a misdemeanor. SEC. 5. Every owner, lessee, tenant, keeper, or manager of any such house of ill fame, and every owner or lessee of the land whereon the same is situated, who, for the period of thirty days after the service of such notice in manner aforesaid, shall continue to use any such land or premises, or shall knowingly and voluntarily permit or suffer the same to be used for the unlawful purposes aforesaid, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not less than twenty-five nor more than five hundred dollars, or by imprisonment in the County Jail for a term not more than six months, or by both such fine and imprisonment.

SEC. 6. This Act shall take effect six months from and after its passage.

CHAP. DVI.—*An Act to amend an Act entitled an Act to incorporate the Town of Downieville, passed March eighteenth, eighteen hundred and sixty-three.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Incorporation. SECTION 1. The corporation or body corporate now existing and known as the Town of Downieville, shall remain and continue to be a body corporate and politic by the said name of the Town of Downieville, and by that name shall have perpetual succession; may sue and defend in all Courts and places and in all actions; and may have and use a common seal, and alter the same at pleasure; and may purchase, receive, hold, and enjoy real and personal property within the corporation limits, and sell and dispose of the same for the common benefit.

SEC. 2. The boundaries of the Town of Downieville shall be ~~boundaries~~. as follows: Commencing at the northeast corner of the warehouse of Hughes & Garnosett, on the turnpike; thence southerly to the southwest corner of the dwelling house belonging to Thomas Frehill, on Durgan Flat; thence easterly to the flume known as Flandreau's Flume, and along the same to a point on the South Fork of the Yuba River, opposite the southeast corner of the house of J. Vollmer; thence northerly to the southwest corner of Noble's Foundry; and thence northwesterly, crossing the north bank of the Yuba River, to the north end of the brewery of F. Basch; and thence to the northwestern corner of the Catholic Church; and thence to the place of beginning.

SEC. 3. The corporate powers of said town shall be vested in ~~Trustees~~. a Board of Trustees, to consist of five members, who shall be elected by the qualified electors residing within the limits of said town, on the first Monday of May of each year, and shall hold their office for the term of one year, and until their successors are elected and qualified. A majority of said Board shall constitute a quorum.

SEC. 4. Said Trustees shall be qualified electors under the general laws of the State, and tax payers within the limits of the Town of Downieville.

SEC. 5. The municipal election shall be held on the first Monday of May of each year, and shall be conducted in accordance with the general election laws of the State; *provided*, no one shall be allowed to vote at said election who is not a bona fide resident within the corporate limits of said town.

SEC. 6. It shall be the duty of the Board of Trustees to appoint, at least five days before the first Monday of May of each year, an Inspector and two Judges of Election, who shall at said municipal election have and exercise the same powers as are granted the Inspector and Judges of Election by the general election laws of the State. The Inspector or Clerk of Election shall immediately return the tally list to the Secretary of the Board of Trustees, who shall, within five days after receiving said list, issue certificates of election to the persons receiving the highest number of votes for any designated office.

SEC. 7. Before entering upon their duties the said Trustees ~~oath of office~~ shall each take and subscribe an oath before any officer authorized to administer oaths, to support the Constitution of the United States and the Constitution of the State of California, and to perform the duties of Trustee of the Town of Downieville to the best of his ability.

SEC. 8. There shall be elected at the annual municipal election, a Marshal for said Town of Downieville, who shall be a qualified elector, and who shall be ex officio Assessor and Tax Collector. Before entering upon the duties of his office, he shall take and subscribe an oath before any officer authorized to administer oaths, to support the Constitution of the United States and the Constitution of the State of California, and discharge the duties of Marshal of the Town of Downieville to the best of his ability. He shall also file an official bond, with two ~~bond~~ or more sufficient sureties, for the faithful performance of his duties, in such sum as the Board of Trustees may require. The Marshal shall be the peace officer of the town, and have power

May be posted on door of house.

shall be the duty of the Mayor or other presiding officer, and the Chief or head of the police force of every town and city, and the duty of the Supervisor of every township or district in which any such house of ill fame shall exist as aforesaid, and each and every of them severally, to cause notice in writing to be given to all persons who may be owners, lessees, tenants, or occupants of any such house of ill fame, or of the land whereon the same is situated, and to all persons who may keep, manage, control, inhabit, or use such house, peremptorily requiring the abatement of such nuisance within three days after the service of such notice, and such notice may also be posted upon the outside of the outer door or other conspicuous place upon such house of ill fame. In towns and cities the notice may be in such form as the Mayor or other presiding officer, or the Chief or head of the police force may prescribe, and when served, an affidavit showing the time, place, and manner of service, shall be indorsed upon a duplicate thereof, which shall be returned and filed in the office of the Chief or head of the police force, if there be such an officer, and if not, then in the office of the Mayor or other presiding officer of such city or town.

Use of premises after notice a misdemeanor.

SEC. 5. Every owner, lessee, tenant, keeper, or manager of any such house of ill fame, and every owner or lessee of the land whereon the same is situated, who, for the period of thirty days after the service of such notice in manner aforesaid, shall continue to use any such land or premises, or shall knowingly and voluntarily permit or suffer the same to be used for the unlawful purposes aforesaid, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not less than twenty-five nor more than five hundred dollars, or by imprisonment in the County Jail for a term not more than six months, or by both such fine and imprisonment.

SEC. 6. This Act shall take effect six months from and after its passage.

CHAP. DVI.—*An Act to amend an Act entitled an Act to incorporate the Town of Downieville, passed March eighteenth, eighteen hundred and sixty-three.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Incorporation.

SECTION 1. The corporation or body corporate now existing and known as the Town of Downieville, shall remain and continue to be a body corporate and politic by the said name of the Town of Downieville, and by that name shall have perpetual succession; may sue and defend in all Courts and places and in all actions; and may have and use a common seal, and alter the same at pleasure; and may purchase, receive, hold, and enjoy real and personal property within the corporation limits, and sell and dispose of the same for the common benefit.

SEC. 2. The boundaries of the Town of Downieville shall be ~~boundaries.~~ as follows: Commencing at the northeast corner of the warehouse of Hughes & Garnossett, on the turnpike; thence southerly to the southwest corner of the dwelling house belonging to Thomas Frehill, on Durgan Flat; thence easterly to the flume known as Flandreau's Flume, and along the same to a point on the South Fork of the Yuba River, opposite the southeast corner of the house of J. Vollmer; thence northerly to the southwest corner of Noble's Foundry; and thence northwesterly, crossing the north bank of the Yuba River, to the north end of the brewery of F. Basch; and thence to the northwestern corner of the Catholic Church; and thence to the place of beginning.

SEC. 3. The corporate powers of said town shall be vested in ~~Trustees.~~ a Board of Trustees, to consist of five members, who shall be elected by the qualified electors residing within the limits of said town, on the first Monday of May of each year, and shall hold their office for the term of one year, and until their successors are elected and qualified. A majority of said Board shall constitute a quorum.

SEC. 4. Said Trustees shall be qualified electors under the general laws of the State, and tax payers within the limits of the Town of Downieville.

SEC. 5. The municipal election shall be held on the first Mon- ~~day of May~~ ^{Election.} day of May of each year, and shall be conducted in accordance with the general election laws of the State; provided, no one shall be allowed to vote at said election who is not a bona fide resident within the corporate limits of said town.

SEC. 6. It shall be the duty of the Board of Trustees to appoint, at least five days before the first Monday of May of each year, an Inspector and two Judges of Election, who shall at said municipal election have and exercise the same powers as are granted the Inspector and Judges of Election by the general election laws of the State. The Inspector or Clerk of Election shall immediately return the tally list to the Secretary of the Board of Trustees, who shall, within five days after receiving said list, issue certificates of election to the persons receiving the highest number of votes for any designated office.

SEC. 7. Before entering upon their duties the said Trustees ~~shall each take and subscribe an oath before any officer authorized to administer oaths, to support the Constitution of the United States and the Constitution of the State of California, and to perform the duties of Trustee of the Town of Downieville to the best of his ability.~~ ^{Oath of office}

SEC. 8. There shall be elected at the annual municipal election, a Marshal for said Town of Downieville, who shall be a qualified elector, and who shall be ex officio Assessor and Tax Collector. Before entering upon the duties of his office, he shall take and subscribe an oath before any officer authorized to administer oaths, to support the Constitution of the United States and the Constitution of the State of California, and discharge the duties of Marshal of the Town of Downieville to the best of his ability. He shall also file an official bond, with two ^{Bond.} or more sufficient sureties, for the faithful performance of his duties, in such sum as the Board of Trustees may require. The Marshal shall be the peace officer of the town, and have power

to make any arrests or serve any process within the corporate limits of the town.

Trustees' meetings. SEC. 9. The Board of Trustees shall meet on the second Monday after their election, and at such other times as they may appoint. Special meetings of the Board may be held at any time at the call of the President. They shall determine the rules of their proceedings, and judge of the qualification and election of all officers elected under the provisions of this Act; they shall fill by ballot election any and all vacancies which may occur in the Board of Trustees or in any other office of the town within thirty days after such vacancy shall occur; they shall have full power to make regulations for securing the health, cleanliness, and good order of the town, to provide for removing any and all public nuisances, to prevent animals from running at large within the limits of the town, to establish a pound, and provide for the public sale of such animals as may be impounded, to provide for the improvement, repair, and protection of streets, sidewalks, and bridges, to impose penalties for violation of ordinances, to regulate the storage of gunpowder and other dangerous commodities, to provide for the prevention and extinguishment of fires, and for defraying the expenses of the fire department, to levy an annual tax not exceeding two per centum upon the assessed value of the real and personal property within the corporate limits, to fix the compensation of the Marshal for assessing and collecting taxes, to appoint a Treasurer and Prosecuting Attorney, and fix the sums for which they shall give bonds, and to pass all such ordinances as may be necessary for the good government and general welfare of the town, and shall not be inconsistent with the provisions of this Act or with the Constitution or laws of this State or the United States.

Levy of tax. SEC. 10. The Board of Trustees shall, on or before the first Monday of June in each year, levy a tax sufficient to pay the estimated expenses of the corporation for the fiscal year ending June first of the ensuing year, the whole amount of which tax shall not exceed two per centum on all the real and personal property within the corporate limits. The Board of Trustees shall, prior to the first Monday of June of each year, furnish or cause to be prepared suitable books for the use of the Assessor, in which he shall enter his tax list or assessment roll, as hereinafter set forth.

When tax lien attaches. SEC. 11. Every tax levied by the Board of Trustees in pursuance of this Act, is hereby made a lien upon the real property assessed, which lien shall attach on the first Monday of June of each year, and shall not be satisfied or removed until the taxes are all paid, or the property has absolutely vested in a purchaser under a sale of taxes.

Assessment. SEC. 12. On or before the first Monday of July of each year, the Marshal shall ascertain by diligent inquiry and examination, all the property within the corporate limits of said town, real or personal, subject to taxation, and also the names of all persons, corporations, associations, companies, or firms owning, claiming, or having the possession or control thereof, and he shall determine the cash value of all such property, and shall assess and list the same to the person, corporation, association, company, or firm owning or having the possession, charge, or control thereof;

provided, that where the owner is unknown to the Assessor, the property shall be assessed to unknown owners. For the purpose of enabling the Assessor to make such assessment, he may demand from such person and firm, and from the President, Cashier, Treasurer, or Managing Agent of any corporation, association, or company, within the limits of the said town, a statement of all the real estate or personal property within the corporation limits owned or claimed by or in the possession or control of such person, firm, corporation, association, or company. If any person, officer, or agent, shall refuse or neglect on demand of the Assessor, to give such statement, the Assessor shall make an estimate of the taxable property owned or claimed by or in possession or control of such person, officer, or agent, and the value so fixed by the Assessor shall not be reduced by the Board of Equalization.

SEC. 13. If any person shall wilfully make or give a false list of his, her, or their taxable property under his or her control, or shall give the Assessor a false name, or shall refuse to give a list of property upon demand of the Assessor as heretofore provided, he or she shall be deemed guilty of a misdemeanor, and shall be arrested upon complaint of the Assessor, and upon conviction before a Justice of the Peace, he or she shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment of not less than ten days nor more than two months.

SEC. 14. It shall be the duty of the Assessor to prepare a tax list or assessment roll, alphabetically arranged, in the book prepared for that purpose, in which shall be listed or assessed all the real estate and improvements on real estate and on public lands, and all personal property within the limits of the town. He shall set down, in separate columns:

First—The names of the taxable inhabitants, firms, corporations, associations, or companies, in alphabetical order, if known; if unknown, the property shall be assessed to unknown owners;

Second—All real estate and improvements taxable to each inhabitant, firm, corporation, association, or company, describing the same by metes and bounds or other intelligible designation of locality; *provided*, that when two or more parties claim or give a description of the same land, it shall be assessed to each party making such claim or giving such description, according to the estimated value of the claims of each;

Third—The cash value of real estate and improvements thereon, or the cash value of the improvements on public lands, or real estate assessed to another person;

Fourth—The cash value of all personal property, except improvements on real estate or public lands, taxable to each;

Fifth—The total value of all property taxable to each;

Sixth—The total amount of tax assessed to each. And no further description of property than that required by the foregoing provisions of this section shall be needed or be requisite to render the assessment binding or effective.

SEC. 15. On or before the first Monday of July of each year, the Assessor shall complete his list or assessment roll, and shall attach his certificate thereto, and on that day shall deliver it, and all the original lists of property which may have been given

*Giving false
list, etc., and
penalty.*

*Form of as-
essment roll*

*Delivery of
same to
Secretary of
Board of
Trustees.*

to him, to the Secretary of the Board of Trustees; and the Secretary shall forthwith give notice of the facts, by posting three notices within the corporation limits, specifying the reception of the assessment roll, and the time of the meeting of the Board of Trustees as a Board of Equalization. Said roll shall be kept open in his office for public inspection until the meeting of the Board of Equalization.

Subsequent Assessment Roll.

SEC. 16. It shall be lawful for the Marshal at any time subsequent to the first Monday of July and prior to the last Monday of July of each year, to assess any property within the corporation limits which may not be on the regular lists; and he shall enter such assessment in a separate assessment roll of the same form as designated by section (14,) fourteen, to be called the "Subsequent Assessment Roll." He shall add his certificate thereto, and deliver it to the Secretary of the Board of Trustees on the third Monday of July; whereupon the Secretary shall give the like notice, and in the same manner as designated in section (15) fifteen in reference to the regular assessment roll.

Board of Equalization

SEC. 17. The Board of Trustees shall, between the first Monday of July and the second Monday of July in each year, act as a Board of Equalization, meeting from time to time until the business of equalization presented to them is disposed of. The said Board shall have power to determine all complaints made in regard to the assessed value of any property, and may change and correct any valuation, either by adding thereto or deducting therefrom, except that in cases where the person complaining of the assessment has refused to give the Assessor his list, no reduction shall be made in the assessment made by the Assessor. If the Board of Equalization shall find it necessary to add to the assessed valuation of any property in the assessment roll, they shall direct the Secretary of the Board to notify the person whose assessment has been increased of the amount of increase, and also that the Board will meet again on the first Monday of August to hear and determine any and all complaints in relation to said increased assessment. And the Board of Trustees shall meet on the first Monday of August as a Board of Equalization for said purpose, and to equalize the "Subsequent Assessment Roll," in which they shall be governed by the provisions of this section relating to equalizing the original assessment roll. If the Board find it necessary to add to any assessment on the subsequent list, they shall designate a day when they will meet to hear and determine any and all complaints in relation to such increased assessment, and the Secretary shall give such notice as in this section hereinbefore designated.

Changes and corrections.

SEC. 18. The Secretary of the Board shall enter upon the original and subsequent assessment rolls all the changes and corrections made by the Board, and he shall also add up the columns of valuation of each description of property on the roll, and shall charge the Marshal with the total amount of assessments. On or before the third Monday of July, as to the original assessment roll, and on or before the second Monday of August, as to the subsequent assessment roll, the Secretary of the Board shall deliver a corrected roll, duly certified by him, to the Marshal.

SEC. 19. The Marshal of the town, who shall be ex officio Tax Collector, upon receiving the assessment roll, or the duplicate thereof, shall proceed to collect the taxes, and shall forthwith give notice by publication in a newspaper, if there be one published in the town, and if not, by posting three notices in three public and conspicuous places in the town, that the town taxes are due and payable, and that the law in regard to their collection will be strictly enforced. The Marshal shall be chargeable for all the taxes on the rolls assessed.

SEC. 20. Whenever any tax is paid to the Marshal he shall mark the word "paid" opposite the name of the person or the description of the property liable for such tax, and shall give a receipt therefor specifying the amount of the assessment and the amount of the tax; and an owner of an undivided interest in real estate may pay the proportion of taxes due on his interest therein.

SEC. 21. On the third Monday of August in each year the Marshal shall enter upon the assessment rolls or duplicates, as the case may be, a statement that he has made a levy upon all the property therein assessed, the taxes upon which have not been paid, and shall immediately ascertain the total amount of taxes then delinquent, and shall immediately enter in a book to be styled the "Delinquent Tax List," a list of all persons and property then owing taxes, in the manner entered in the assessment rolls, to which the Marshal shall append his certificate, and in said certificate he shall set forth that the persons and property described in said delinquent list have not paid the taxes therein assessed, and that all those having paid taxes are marked "paid" on the assessment rolls; which delinquent tax list, statement, and certificate, shall be completed, and the same, together with the assessment rolls or duplicates thereof, delivered to the Secretary of the Board of Trustees by the first Monday of September. The Secretary of the Board shall then settle with the Marshal, crediting him with all the taxes returned delinquent, together with the sums specified in the Treasurer's receipts, and ascertaining the balance due the town from the Marshal, or the amount due the Marshal from the town. The Secretary and the Marshal shall carefully examine the assessment rolls, and if there be duplicates, compare them with the originals; and ascertain if all the taxes which are not paid are on the delinquent list.

SEC. 22. The Marshal shall, on the first Monday of each month, or oftener, if required by the Board of Trustees, pay over to the Town Treasurer all moneys collected by him for taxes, fines, or from any other sources, for the town, and shall take the Treasurer's receipt for the same, and shall, at the same time, deliver to the Secretary of the Board a statement of the amount paid the Treasurer, and the sources whence the same was derived; and the Secretary of the Board of Trustees shall, within five days after receiving the delinquent tax list, deliver the same, duly certified by him to be correct as the same appears by the assessment rolls, to the Corporation Attorney.

SEC. 23. The Corporation Attorney, upon the receipt of said delinquent tax list, shall cause a notice to be published in a newspaper in the town, if there be one, and if not, shall cause three notices to be posted in three public places in the town,

setting forth that the said delinquent list has been delivered to him, and that unless the taxes, with five per cent additional thereto, are paid within ten days, he will commence suits for the recovery of the same.

Suit. SEC. 24. The Corporation Attorney is hereby authorized and required, immediately after the ten days' notice before specified, to commence actions in the name of the Town of Downieville against the persons appearing on the delinquent tax list as delinquent, and against the real estate and improvements assessed to delinquents, and against all owners or claimants to the same, known or unknown. Said action shall be commenced before any Justice of the Peace of Butte Township, Sierra County, when the amount claimed is less than three hundred dollars, and in the District Court for Sierra County when the amount is three hundred dollars or over; *provided*, if the property be assessed to an unknown owner, any fictitious name may be inserted to represent such true owner or owners as defendant in said cause. And the said Justices' Courts of Butte Township, and the District Court for Sierra County, are hereby authorized to issue process in said actions, and are given full and complete power and jurisdiction over all actions brought under the authority of this Act for the collection of delinquent taxes.

Law for collection of taxes made applicable. SEC. 25. The provisions of the law of the State of California relating to the collection of delinquent taxes as applicable to Sierra County, are hereby made applicable to all actions for the collection of delinquent taxes under the provisions of this Act; *provided*, the Marshal of the Town of Downieville is authorized to serve any process which may be issued in said actions, and make any sale of real or personal property on judgment for unpaid taxes. The provisions of the said law of the State shall also govern the sale of any real or personal property for unpaid taxes; the issuing of a deed therefor, and the placing the purchaser in possession thereof; and a deed given by the proper officer for property sold for taxes shall be conclusive evidence of title, unless it appear that the taxes were paid before suit, or that the taxes and all costs were paid before the sale, or that the property had been duly redeemed according to law, or that the property is exempt from taxation, or that there had been fraud in the assessment of the tax.

Delinquent list evidence. SEC. 26. The delinquent list, or a copy thereof duly certified as before provided, showing unpaid taxes against any person or property, shall be *prima facie* evidence in any Court to prove the assessment of the property assessed, the delinquency, the amount of taxes due and unpaid, and that all the forms of law in relation to the assessment and levy have been complied with.

Act made applicable. SEC. 27. An Act to regulate civil cases in Courts of Justice in this State, and the several Acts amendatory thereto, so far as the same are not inconsistent with this Act, are hereby made applicable to proceedings under this Act.

Fees and percentage. SEC. 28. The Corporation Attorney shall receive as fees five per cent on the amount of taxes due and paid to him before suit brought, and fifteen per cent on the amount of taxes due and paid after suit brought, which shall be added to the amount of taxes due and taxed as costs. For other services he shall receive such fees as the Board may allow. And the other offi-

cers issuing or serving papers or discharging any duties in the collection of said taxes, shall receive the fees allowed to such officers for such services under the general revenue law of the State; *provided*, that no officer shall receive any fees unless the same are collected in such actions as costs.

SEC. 29. It shall be the duty of the City Attorney, as soon as any delinquent tax has been paid him, to enter the same on the delinquent tax list; and he shall, on the first Monday of each month, or oftener if required by the Board, pay over to the Treasurer of the town all moneys by him received, less his fees, taking a receipt therefor; and on the last Saturday of April of each year, make a final settlement with the Secretary of the Board, or sooner if required by the Board of Trustees; at which time he shall make affidavit that he has paid to the Treasurer all money collected by him, and that all taxes on the delinquent list which have been paid or collected are marked "paid" on said delinquent assessment roll.

SEC. 30. All taxes levied by the Board of Trustees under the provisions of this Act, shall be due and payable in gold or silver coin of the United States, and all judgments rendered for unpaid taxes and costs shall be made payable in such gold or silver coin, and all sales of property for such judgments, and all redemptions of property sold on such judgments, shall be for such gold or silver coin.

SEC. 31. The Board of Trustees may require of the Corporation Attorney, and of all other corporation officers of trust, a good and sufficient bond for the faithful discharge of all the duties imposed by law or ordinance; and each and all officers who fail or neglect to perform all the duties imposed upon them, shall be liable upon their official bond, with their sureties, to the town or to any party aggrieved.

SEC. 32. All ordinances passed by the Board of Trustees shall be signed by the President and Secretary, and published two weeks in a newspaper published in the Town of Downieville, if there be one.

SEC. 33. The several Justices of the Peace in Butte Township, and the County and District Courts for Sierra County, shall have jurisdiction of any action or proceeding for a fine, penalty, or forfeiture, for a breach or violation of any ordinance of the Board of Trustees, or to carry out the provisions of any ordinance in the nature of a special action; and the provisions of the Civil and Criminal Practice Acts of the State of California, so far as the same are not inconsistent with the provisions of this Act, are hereby made applicable to all such civil or criminal proceedings.

SEC. 34. An Act entitled an Act to incorporate the Town of Downieville, passed March eighteenth, eighteen hundred and sixty-three, and an Act entitled an Act to amend an Act entitled an Act to incorporate the Town of Downieville, passed April first, eighteen hundred and sixty-four, are hereby repealed; *provided*, that nothing herein shall be construed to affect the corporate existence of the Town of Downieville, nor the powers of the Trustees elected at the last election, nor prevent the collec-

tion of any delinquent taxes now due said town, nor impair the force of any law or ordinance for the government of said town.

SEC. 35. This Act shall be in force from and after its passage.

CHAP. DVII.—*An Act to liquidate certain liabilities of the California State Telegraph Company.*

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amount fixed for release of payment of State's percentage.

Proviso.

SECTION 1. The three per cent of the net proceeds of the telegraph line of the California State Telegraph Company, payable by Allen and Burnham, or their assigns, to the Treasurer of State, as provided in the Act entitled an Act to provide for the construction of telegraph lines within the State of California, approved May third, eighteen hundred and fifty-two, whether accrued or to accrue, under and according to the provisions of said Act, is hereby liquidated and fixed at three thousand dollars, in gold coin, and upon the payment by said company to the Treasurer of State, within thirty days from the passage hereof of the said sum of three thousand dollars in gold coin, the said company, and their successors and assigns, whether as the assigns of said Allen and Burnham, or otherwise, shall be discharged and released from the payment of any further percentage upon the past or future proceeds of said telegraph line, and from all obligation or liability on account thereof; *provided*, that if said telegraph company shall fail, for the period of thirty days after the passage of this Act, to pay to the Treasurer of State the said sum of three thousand dollars, in the gold coin of the United States, as hereinbefore provided, then the right of said telegraph company to make such payment, and be discharged from the liabilities hereinbefore recited, shall be ended and determined, and in such event nothing contained in this Act shall be deemed to have the effect of liquidating or fixing the demand against said telegraph company in favor of said State for said percentage, past or future, but said telegraph company shall continue liable to the State in all respects as provided in said Act approved May third, eighteen hundred and fifty-two.

SEC. 2. This Act shall take effect immediately.

CHAP. DVIII.—An Act creating the office of District Assessors in the County of Trinity, and to provide for the collection of revenue therein.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the Board of Supervisors ^{Revenue districts.} of Trinity County, at their first regular meeting in the year A. D. eighteen hundred and sixty-seven, to divide the County of Trinity into three Revenue Districts, to be known as Revenue Districts Numbers One, Two, and Three, and the boundaries of said districts shall conform to the boundaries of the Supervisor Districts Numbers One, Two, and Three, of said County of Trinity.

Sec. 2. There shall be elected in each of said Revenue Districts ^{Election of Assessors and Collectors.} of the County of Trinity, at the general election to be held in the year A. D. eighteen hundred and sixty-seven, and at the general elections to be held every two years thereafter, one District Assessor, who shall be ex officio District Tax Collector for the purposes hereinafter named, and shall hold his office for the term of two years from the first Monday in March subsequent to his election and until his successor is duly elected and qualified.

Sec. 3. Every person so elected District Assessor shall, before ^{Bonds.} he enters upon the duties of his office, make and file his bond in the office of the County Clerk, with two or more sureties, to be approved by the County Judge, in the penal sum of three thousand dollars, conditioned for the true and faithful performance of the duties of his office as such Assessor, and shall be otherwise conditioned as now is or may be required by law, and shall take the oath of office, which shall be indorsed on his certificate of election or appointment.

Sec. 4. In case of a vacancy in the office of District Assessor, ^{Vacancies.} or failure of any of said Assessors to qualify as required by law, the Board of Supervisors shall appoint some suitable person possessing the qualifications of an elector residing within such district to fill the vacancy, and the person so appointed shall give the bonds and take the like oaths that are required of District Assessors elected by the people, and shall hold his office for the balance of the unexpired term and until his successor is elected and qualified.

Sec. 5. The County Auditor of said county shall, with the ^{Assessment roll.} advice and assistance of the District Attorney, prepare an assessment roll, with the proper headings, in a well bound book, for each Assessor, and shall, on or before the first Monday of March in each year, deliver the same to each Assessor in said county, and shall also prepare suitable blank statements for the use of such Assessors, which blank statements shall be substantially in the following form :

*Blank state. Statement of personal property belonging to or under the control of
ment.*

	Value.	
	\$	Cts.
1st—All household and kitchen furniture, law, medical, and miscellaneous libraries.....	\$	Cts.
2d—All stocks of goods on hand, all goods, wares, and merchandise, and chattels of every description.....	\$	Cts.
3d—All money on hand or on deposit in bank or banks, or with individuals, and all gold dust.....	\$	Cts.
4th—All money at interest or loaned, whether secured by pledge, mortgage, or otherwise.....	\$	Cts.
5th—All solvent debts exceeding what may be due from each person, corporation, association, or firm.....	\$	Cts.
6th—Horses, mules, oxen, cows and calves, beef cattle, sheep, hogs, goats, jacks and jennies, wagons, buggies, and other vehicles.....	\$	Cts.
7th—All machines and machinery, all works and implements not fixed to the soil.....	\$	Cts.
8th—All other property, not real estate, not otherwise taxed or included in this statement.....	\$	Cts.
Total value of personal property.....	\$	Cts.

Statement of real estate.

Acres.	Value of land.		Value of improvements.	
	\$	Cts.	\$	Cts.

Statements
to be made
under oath.

It shall be the duty of each Assessor to require such statement under oath (and for that purpose he is hereby authorized to administer oaths and affirmations) from every male inhabitant, and all sole traders in his district, (except Chinese and California Indians,) whether such person or persons shall claim to have or shall have property or not. Every such statement made to the Assessor shall be signed and verified by the person making the same, and shall state in substance, under oath, that the person, corporation, association, company, or firm making the statement, or in whose behalf such statement is made, has no property of any kind or nature, situate or being within the county, other than the property included in such statement; that such person, association, company, or firm has not the possession, charge, or control of or any interest in any property, whether real, personal, or mixed, situate, lying, or being within such county, other than the property mentioned and described in such statement; that such statement is a full, true, correct, and complete statement of all the different kinds of property owned or claimed by such person, corporation, association, or firm, or company, and that the value thereof given in said statement is true, according to his judgment, knowledge, and belief.

Valuation of property. The Assessor shall accept the valuation of the property contained in such statements unless he shall deem the same or

Contents.

some part thereof undervalued, and in that case it shall be his duty to assess the same at its true cash value, and indorse the valuation so assessed by him upon such statement. If any person, officer, or agent shall neglect or refuse, on demand of the Assessor, to give under oath or affirmation the statement required in this section, he shall be deemed guilty of a misdemeanor, and it shall be the duty of the Assessor to make an estimate of the value of the taxable property which such person, officer, or agent neglected or refused to render under oath or affirmation, and the value so fixed by the Assessor shall not be reduced by the Board of Equalization.

Neglect to
give state-
ment a mis-
demeanor.

SEC. 6. It shall be the duty of each District Assessor in said County of Trinity to return to the Auditor of said county on or before the first Monday of every month during the time he may be so engaged in assessing, all statements of property so assessed by him, and shall make and subscribe an oath before said Auditor that he has so delivered to him all statements of every description and kind, and that such statements comprise the whole amount of property which has been assessed by him since his last return. The Auditor shall proceed at once to examine and arrange all such statements for each district, and to copy:

Statements
to be deliv-
ered to
Auditor.

First—Those describing personal property only in each district, in a book in alphabetical order, entering the name of the person so assessed having personal property only, together with the value of said property in dollars, opposite such name; which book shall be known as the “Duplicate Assessment Roll of Personal Property, A. D. 18—. Auditor’s Office, Trinity County.”

Duplicate
assessment
roll of per-
sonal prop-
erty.

Second—Those describing real property or real and personal property in all said districts, in a book in alphabetical order, entering the name of each person so assessed having real property or real and personal property, together with his residence or the location of such real property, and a proper description thereof, and the improvements thereon, the value thereof in dollars, in the manner and form now prescribed by law; which book shall be known as the “Duplicate County Assessment Roll, A. D. 18—. Auditor’s Office, Trinity County.”

SEC. 7. On or before the first Monday of August in each year, each District Assessor shall complete his assessment roll, and make and subscribe before the Clerk of the Board of Supervisors of his county an affidavit, which shall be attached to his assessment roll, which shall be substantially in the following form:

Assessor’s
affidavit.

“I, _____, District Assessor in and for District Number _____, Trinity County, do solemnly swear that the foregoing, from page _____ to page _____, both inclusive, is a true and correct assessment roll of my district in the County of Trinity; that I have diligently and faithfully performed all the duties required of me by law; that I have made diligent search for all taxable inhabitants, and in every instance demanded from each person and firm, and from the President, Cashier, Treasurer, Secretary, or Managing Agent of each corporation, association, or company within my district, when such person could be found, a written statement under oath of all the taxable property of such person, firm, corporation, association, or company, and that

I have impartially assessed the value of all property within my district. So help me God."

Comparison of rolls, etc. And at the same time he shall carefully compare said roll or list with that of the Auditor, each with the other respectively as to each name therein, the kind and value of property thereof; and after such comparison he shall deliver said roll or list to the Clerk of the Board of Supervisors, who shall keep the same open for inspection until the meeting of the Board of Equalization, and he shall give the notice required by law; *provided*, nothing herein contained shall be so construed as to prevent or relieve each Assessor from making, completing, and returning a subsequent assessment list or roll, or to make a settlement relative thereto as required by the general revenue laws of this State.

Blank tax receipts. SEC. 8. The County Auditor shall cause to be printed blank tax receipts, in a convenient form, with suitable blank margins, for the use of Collectors of Personal Property Tax, and cause the same to be bound in convenient sized books, which blank receipts and the margins thereof he shall number in red ink, commencing with Number One, (1,) each year, and shall deliver to each District Tax Collector as many such receipts or books of receipts as may be required by him for use in his district, and shall take a receipt from each Collector for the number of receipts so delivered to him. And the Auditor shall also cause to be printed proper blank receipts, with suitable margins, for State and county taxes on real property and real and personal property for the use of the County Treasurer, which said receipts shall be consecutively numbered, commencing each year with Number One, (1,) and deliver to the County Treasurer a sufficient number of such receipts, properly bound in a book or books, for his use within his county, taking his receipt therefor; all of which receipts shall be countersigned by the District Attorney of said county.

Collector's bond. SEC. 9. Each District Collector, before he enters upon the duties of his office, shall make and file his bond in the office of the County Clerk, with two or more sureties, to be approved by the County Judge, in the penal sum of five thousand dollars, or such greater sum as the Board of Supervisors of said county may require, conditioned for the faithful performance of all the duties of his office as such Tax Collector, and shall be further conditioned as now is or shall be required by law, and he shall take the oath of office, which shall be indorsed upon his certificate of election or appointment.

Collection of tax on movable personal property. SEC. 10. The District Collector in each district is hereby authorized and required, upon receiving a statement of any movable personal property from any person, firm, corporation, association, or company not owning real estate within his district, to demand the taxes upon the same; and if any such person shall neglect or refuse to pay such taxes to the Assessor as such Collector of Taxes, he shall seize sufficient of the personal property of the party so neglecting or refusing to pay to satisfy the taxes and costs, and shall post a notice of such seizure, with a description of the property and the time and place where it will be sold, in three public places in the township where it is

Seizure and sale.

seized, and shall at the expiration of five days proceed to sell at public auction, at the time and place mentioned in such notice, to the highest bidder for cash, a sufficient quantity of the property to pay the taxes, expenses, and costs incurred; and for this service he shall be allowed from the delinquent party a fee of three dollars, and the same mileage from his residence to the place of sale that the Sheriff would be entitled to receive for travelling to the place to make the levy; and upon the payment of the purchase money, he shall deliver to the purchaser the property sold, together with a certificate of the sale and of the amount of taxes or assessments and expenses thereon for which the property was sold, whereupon the title to the property so sold shall vest absolutely in the purchaser. He shall also demand of each and every person within his district liable to pay any State poll tax, military poll tax, and hospital poll tax, and such other poll taxes as may by law be authorized to be levied and collected by him, the said taxes of such person or persons, and upon payment thereof, to deliver to the person or persons so paying the proper receipts therefor. It shall be the duty of the District Collectors, when they make their settlements with the Treasurer on the first Monday of each month, to furnish said officer with a full and correct list of the names, business, and places of business of all persons liable to pay State and county license tax for following such business, which list shall be kept in a conspicuous place in said Treasurer's office, and shall at all times be open to the inspection of the public.

List of persons liable to pay licensees.

SEC. 11. During the session of the Board of Equalization *Equalization* the Clerk thereof shall enter upon the assessment roll of each district all changes and corrections of the value of property therein described made by the Board of Equalization, and shall on their adjournment forthwith deliver the assessment rolls so corrected to the County Auditor, whose duty it shall be to add up the columns of valuation of every description of property on the assessment roll of each district, and on or before the first Monday in September he shall deliver a true copy or duplicate of the corrected assessment rolls, to be known as the "Duplicate County Assessment Roll," which shall be the book prepared by said Auditor from the original statements, and which has been by him carefully compared and made to correspond with the original books of the Assessors, and which "Duplicate County Assessment Roll" shall contain the names of all persons having assessed to them both real property and real and personal property in said county, with the State, county, and other taxes and totals of taxes to each person carried out in separate columns, with his certificate and seal attached thereto, to the County Treasurer, for whom such "Duplicate County Assessment Roll" was made. Upon receiving such duplicate assessment roll from the Auditor the County Treasurer shall proceed to collect the taxes, and shall forthwith give notice to the tax-payers of the county, by publishing a notice in some newspaper printed in said county, that the State and county taxes are due and payable, and that the laws in regard to their collection will be strictly enforced; and it shall be the duty of all persons owning real property, or real and personal property, to pay

Duplicate County Assessment roll

Notice that taxes are due.

their taxes or cause the same to be paid to the County Treasurer at his office in the Court House of said county.

Receipts for taxes.

SEC. 12. Upon the payment of any State and county taxes to any Tax Collector or the Treasurer, such Tax Collector or Treasurer shall deliver to the payer of such taxes one of said receipts mentioned in section eight of this Act, which shall contain a description of the property paid upon, the value thereof, and the amount of taxes so paid, and shall, at the same time, fill up the blanks in the margin of said receipt with the date of payment, name of the payer or for whom paid, value of property paid upon and the amount of taxes so paid, and shall also mark the word "paid" and the number of the receipt so issued on his assessment roll opposite the name of the person and description of property paid upon. Any Tax Collector who shall receive any taxes upon property and issue any other or different receipt than those furnished him as herein provided, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by fine not exceeding one hundred dollars, or imprisonment in the County Jail not exceeding thirty days, and may be removed from office.

Taxes to be collected by Collector.

SEC. 13. Each District Collector shall collect within his district all State and county taxes upon personal property assessed to persons having no real estate or improvements upon real estate assessed to such persons, all State poll taxes, all hospital poll taxes, all military poll taxes, and all foreign miners' license taxes; *provided*, that in the district wherein the county seat is located the Sheriff of said county shall be the Collector of Foreign Miners' License Tax within such district, and in addition to the duties now required of him by law he shall collect all foreign miners' license tax of persons liable to pay the same residing within said Revenue District, and for such service shall retain for his own use the commissions now allowed by law for collecting the same; and he shall make monthly settlements, under oath, with the Treasurer and Auditor as is herein required to be made by District Collectors. The Sheriff, in addition to the bond now required of him by law, shall file such additional bond, to be approved by the County Judge, conditioned for the faithful performance of his duties as such Collector of Foreign Miners' License, as the Board of Supervisors may require, in a penal sum not to exceed five thousand dollars.

Taxes to be collected by Treasurer.

SEC. 14. The County Treasurer of said County of Trinity, in addition to the duties now required of him by law, shall collect all State and county taxes against all persons having assessed to them real property, or real and personal property, and shall collect all State and county licenses now required to be collected by County Collectors, except foreign miners' licenses, and he shall make monthly settlements with the County Auditor, under oath, as now is or may be provided by law for settlements of Tax Collectors with County Auditors, for all moneys so collected, and shall be liable upon his bond for the faithful discharge of such additional duties.

Settlements of Collector.

SEC. 15. Each District Collector shall, on the first Monday in each month, make a full settlement with the County Treasurer and County Auditor. He shall first pay over all moneys collected by him for property taxes, foreign miners' licenses

and all poll taxes, less his fees thereon for collection, to the County Treasurer, and take from said Treasurer receipts in duplicate for the same, one of which he shall present to the Auditor on the same day, and shall at the same time deliver to the Auditor a written statement, verified by the following oath in writing attached thereto and subscribed by the party making the same, such oath to be administered and certified by the Auditor, viz :

“ I, ——, District Collector, do solemnly swear that I have oath for the month preceding this settlement, diligently and faithfully, to the best of my ability, performed all the duties of District Collector in my district as required by law, that I have not knowingly permitted any person or persons to escape from, avoid, or evade the payment of any property tax, foreign miners' license tax, or any poll tax that I have the authority to enforce the collection of; and that the sum of —— 100 dollars, paid over by me to the County Treasurer, is the just and true sum received by me during the preceding month or since my last settlement, from all sources whatever, for State and county revenue, less the fees allowed me by law for collecting the same, and that the total number of Chinese who resided or lived in my district in the last month was, to the best of my knowledge and belief, (inserting the number,) and that I have not issued, or caused or permitted to be issued, any foreign miners' license, poll tax receipts, or receipts for State and county taxes not furnished me by the proper officers; and that I have in no instance taken from any person or persons any sum of money or other valuable thing whatsoever, or promise of reward, and allowed the said person or persons to evade the payment of their foreign miners' license tax, or their poll taxes, or their property tax. So help me God.”

The Sheriff and the Treasurer shall make monthly settlements as above provided, of all revenue collected by them, and the same oath as required in this section so far as the same may be applicable. The Auditor shall file such statements, with the oath attached thereto, in his office.

Settlements
of Sheriff and
Treasurer.

SEC. 16. Each District Collector and the County Treasurer shall, on their final settlement for the State and county taxes, as is provided by law, return to the County Auditor stubs of all receipts that have been issued by them for State and county taxes on real property and personal property, and shall, in addition to the oath required of them, make oath that no other receipts for such taxes have been issued by them respectively.

Stubs of
receipts to
be returned.

SEC. 17. On delivering the “ Duplicate County Assessment Roll ” to the County Treasurer, authorized herein to collect State and county taxes, the Auditor shall charge to each District Collector the full amount of taxes levied upon personal property taxed or assessed in his district, as shown by the respective “ Duplicate Assessment Rolls of Personal Property ” of such respective districts, to persons other than those owning or having assessed to them real property; and he shall charge to

Collector and
Auditor to be
charged with
full amount
of taxes.

the County Treasurer the full amount of taxes levied, as shown by the "Duplicate County Assessment Roll" so delivered to him, and shall forthwith transmit by mail to the Controller the statements of the amounts so charged, as is required of him by law.

Laws made applicable.

SEC. 18. All general laws relating to County Collectors are hereby made applicable to the County Treasurer of Trinity County in the collection of taxes and making the settlements therefor, in so far as they may not be inconsistent with the provisions of this Act.

Compensation of Assessor.

SEC. 19. Each District Assessor shall receive for all the services required of him by law as such Assessor the sum of net exceeding three hundred dollars per annum, to be fixed, audited, and allowed by the Board of Supervisors, upon the certificate of the County Auditor that said Assessors have discharged all the duties required of them by law, and have made their final settlements in accordance therewith; *provided*, that in the district in which the county seat is located the Board of Supervisors may, in their discretion, make such additional allowance as in the aggregate shall not exceed the sum of five hundred dollars.

Fees and percentage of Collector.

SEC. 20. Each District Collector shall be allowed upon all sums of money collected by him as required in this Act, the same commissions and percentages as are now allowed by law for similar services, to be retained by them as fees out of the amounts so collected.

Of Treasurer.

SEC. 21. The Treasurer, in addition to his salary, shall receive and retain for his own use all fees and commissions now allowed by law for the collection of State and county licenses, which shall be in full for all services required of him by law, and he shall pay all percentage and commissions which now are or may hereafter be allowed by law for the collection of State and county taxes upon real and personal property into the fund now known as the "County Treasurer's Salary Fund," to be disbursed as is now provided by law.

Acts made applicable.

SEC. 22. The provisions of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and all Acts amendatory thereof and supplementary thereto, so far as the same are not inconsistent with the provisions of this Act, are hereby made applicable to the County of Trinity.

Offices abolished.

SEC. 23. On and after the first Monday of March, A. D. eighteen hundred and sixty-eight, the offices of County Assessor and County Collector of said County of Trinity are hereby abolished; *provided*, nothing contained in this Act shall in any manner affect the assessment and collection of taxes prior to the first Monday of March, A. D. eighteen hundred and sixty-eight.

Taxes not to be affected.

CHAP. DIX.—An Act relating to the public schools in certain counties of this State.

[Approved March 31, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Superintendents of Public Schools in the Counties of Santa Cruz, Santa Clara, Alameda, and Contra Costa shall, on or before the first day of September in each year, furnish to the Board of Trustees of each school district in their respective counties an estimate in writing of the amount of public money, both State and county, to which their district shall be entitled during the year.

SEC. 2. It shall be the duty of each Board of Trustees in the counties mentioned in this Act to employ an efficient and competent teacher, who shall hold a certificate from the County Board of Examination, and to keep open the public schools for at least eight months in each school year; *provided*, a majority of the Trustees may so desire. And when the State and county money to which any district is entitled is not sufficient to keep a school open in such district for at least eight months in each school year, the Trustees are authorized and it is hereby made their duty to levy and they shall levy a direct tax upon the taxable property in such district sufficient to raise an amount which, together with the State and county money to which such district is entitled, to keep a school open eight months. And such tax shall be assessed, legalized, and collected in the manner prescribed for assessing, equalizing, and collecting taxes voted for district school houses, excepting that the Trustees may appoint the Assessor and Collector, and also excepting that if a fractional part of a cent is sufficient, the whole cent need not be levied in lieu thereof. The tax so levied shall include a sum sufficient to pay the cost of assessing and collecting.

SEC. 3. The Collector shall pay over the money so collected to the County Treasurer, who shall credit it to that district paying it in; and it shall constitute a Special School Fund, which shall be paid out on the warrant of the County Superintendent, who shall draw his warrant on this fund for the payment of teachers' salaries, and for no other purpose whatever. No per cent shall be charged or received by the County Treasurer for receiving or paying out this fund.

Annual estimate of School money.

School to be kept open eight months each year.

Levy of tax.

How moneys shall be credited.

CHAP. DX.—An Act amendatory of and supplemental to an Act entitled an Act amendatory of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, approved February sixth, eighteen hundred and sixty-four.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amendment SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. Section sixty-eight of said Act is hereby amended so as to read as follows:

Refusal to give names. Section 68. If any person shall give to the Tax Collector or his deputy a false name, or shall refuse to give his name, or if any person having men in his employ shall refuse to furnish the Poll Tax Collector or his deputy, when requested, the name and residence of each man employed by him, or if such person shall refuse to grant free access to the Collector or his deputy to the building or place where such men are employed, he shall be guilty of misdemeanor, and shall be arrested upon complaint of the Tax Collector or his deputy, and upon conviction before a Justice of the Peace, he shall be punished by a fine of not less than ten dollars or more than one hundred dollars, or by imprisonment for a term not less than two days nor more

Penalty. than three months, or by both fine and imprisonment; and any person occupying any public office to which a salary or fees is authorized, who shall refuse or neglect to pay said poll tax more

Poll tax of officials to be withheld from fees. than thirty days after being called upon by the Tax Collector or his deputy for the same, the person or persons at whose hands he receives his monthly pay, fees, or salary, is required to withhold the amount of said tax from the first payment to be made, after being notified by said Tax Collector or his deputy of said delinquency; and it is hereby rendered obligatory on said Tax Collector of each and every county in this State to collect the same.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. XI.—An Act for the encouragement of silk culture in California.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation for premiums. SECTION 1. There shall be paid, from any money in the Treasury not otherwise appropriated, to the producer claiming a premium under the provisions of this Act, the following sums for each of the articles herein enumerated, grown within the

State of California, for the term of four years from the passage of this Act:

First—For each plantation of five thousand mulberry trees, of the age of two years, two hundred and fifty dollars;

Second—For the production of each one hundred thousand silk cocoons, three hundred dollars.

Sec. 2. The conditions and requirements of the Act entitled ^{Act made applicable.} *An Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two, and also of the Act supplemental to the same, approved April twenty-seventh, eighteen hundred and sixty-three,* are made applicable to this Act.

CHAP. DXII.—*An Act to amend section first of an Act entitled an Act to provide for the construction and repair of certain roads in Butte County.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A tax of one per cent is hereby levied upon all ^{Levy of school tax.} taxable property lying and being in what is known as the Oroville School District, in Butte County, and also upon all the taxable property fronting or bordering or lying within one mile on each side of the road, commencing at Lathrop's Ferry, near said Town of Oroville, and running by way of Wicks', Clark, and Dorrance's Ranches, Leonard's Mills, Dogtown, and Powel's Ranch, to the Cold Spring House.

SEC. 2. The Secretary of State is hereby authorized to cause ^{Section substituted.} "Section One" of this Act in lieu of "Section One" of the Act of which this is amendatory, in the printed statutes of the State enacted during the present session of this Legislature.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. DXIII.—*An Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of swamp and overflowed and salt marsh and tide lands donated to the State of California by an Act of Congress, approved May thirteenth, one thousand eight hundred and sixty-one, and all Acts supplemental to or amendatory thereof.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of San Joaquin County ^{Levy of tax.} are hereby authorized and empowered to levy a special tax of

fourteen cents on each acre of land, and of one cent on each one hundred dollars of valuation of improvements thereon, within the limits of Swamp Land District Number Five, within said county.

Time of levy and basis of tax. SEC. 2. The Board of Supervisors shall have power to meet and levy the tax provided for in section one of this Act at any time after the passage of this Act; and the tax so authorized to be levied, shall be levied and collected on the same basis, to wit: on the same number of acres and the same valuation of improvements thereon, as that certain tax levied by said Board for purposes of reclamation on the first day of August, eighteen hundred and sixty-four, by an order of said Board of that date, as appears upon the minutes of said Board, upon the same land and improvements mentioned in section one of this Act was levied.

Assessment roll, payment, etc. SEC. 3. The assessment roll made out by the Assessor and transmitted to the Tax Collector for the purposes of the collection of the tax referred to in section two of this Act, to wit: the tax levied August first, eighteen hundred and sixty-four, shall be and the same is hereby made the assessment roll for the purposes of the tax to be levied under this Act; and wherever the word "paid," and the date of such payment have been marked on said roll opposite the name of any person or the description of property thereon, the tax levied under this Act against such person or upon such property shall be deemed and held to have been paid, and the same being the amount paid and collected of the tax levied as herein referred to, to wit: on the first day of August, eighteen hundred and sixty-four, shall be considered and held as a part of the tax to be levied under this Act and so much in payment thereof, and shall be so taken into account by the Tax Collector, Treasurer, Auditor, and all other officers, in their statements, receipts, and settlements, required by law to be made.

Delinquent list. SEC. 4. Within five days after the order is made levying the tax provided for in this Act, or such further time as the Board of Supervisors shall direct, the assessment roll herein referred to, duly sworn to by the Tax Collector, and certified by the Auditor as required by law, shall be placed in the hands of the District Attorney, and the same therefrom shall be the delinquent tax list under the tax to be levied in pursuance of this Act, and shall have the same force and effect as the delinquent list in the general law; and all persons and property against whom and upon which the tax levied under this Act shall not be construed to have been paid under the provisions of this Act, shall be deemed and held to be delinquents under the tax levied in pursuance of this Act.

Act made applicable. SEC. 5. The provisions of an Act approved April eleventh, eighteen hundred and sixty-two, entitled an Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of swamp and overflowed and salt marsh and tide lands donated to the State of California by an Act of Congress, approved May thirteenth, one thousand eight hundred and sixty-one, and amendments thereto, are hereby made applicable to this Act, so far as they do not conflict with the provisions of this Act.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. DXIV.—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate, allow, and order paid out of the General Fund, to the Clerk of the Auditor of said city and county the sum of one hundred and fifty dollars per month in lieu of the present salary allowed by law to said Clerk; also, to allow and order paid out of the General Fund seventy-five dollars per month for boat hire and office rent for the Harbor Master; also, twenty-one hundred dollars out of said fund for contingent expenses and salary of the Secretary to the Commissioners for widening Kearney and Third streets, said sum of twenty-one hundred dollars to be returned to said fund when realized and paid by the persons benefited under the provisions of the Act relative to the widening of streets, approved April fourth, eighteen hundred and sixty-four; and the Auditor shall audit and the Treasurer pay such sums as are authorized by this Act.

Salaries and
contingent
expenses.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DXV.—An Act to repeal an Act entitled an Act to prevent the arming and equipping within the jurisdiction of this State of vessels for piratical or privateering purposes, and other treasonable conduct, approved April twenty-fifth, eighteen hundred and sixty-three.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act entitled an Act to prevent the arming and Repeal. equipping, within the jurisdiction of this State, of vessels for piratical or privateering purposes, and other treasonable conduct, approved April twenty-fifth, eighteen hundred and sixty-three, is hereby repealed.

SEC. 2. This Act shall take effect from and after its passage, This Act and shall be construed and held a bar to any indictment already a bar. found, or appeal pending under said Act.

CHAP. DXVI.—An Act amendatory of and supplemental to an Act entitled an Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou, approved April nineteenth, one thousand eight hundred and fifty-nine, and all Acts amendatory thereof.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Supervisors to have care of highways. Section 2. The Board of Supervisors of the County of San Joaquin shall have the general care of highways and bridges, and it shall be their duty to cause to be kept in good repair the highways and bridges in said County of San Joaquin, as herein-after provided, and in accordance with the provisions of the Act and amendments thereto to which this Act is supplemental and amendatory, to regulate the roads already laid out, to alter such of them as shall be deemed inconvenient, and to lay out new roads; to divide said county into as many road districts as they deem necessary for convenience; and upon the recommendation of the majority of the citizens of any such district, or if such recommendation be not made, then upon their own motion, to appoint annually, before the first Monday in March in each year, and at any time thereafter when any vacancy shall occur, an Overseer for each district, who shall be a resident and taxpayer of such district, and shall hold his office for one year, unless sooner removed for cause, and until his successor is appointed and qualified.

Overseers. **Bonds.** SEC. 2. Immediately after such appointments are made, the County Clerk shall notify the appointees in writing of their appointment, and shall furnish each of such appointees with a description of the boundaries of his district; and every such appointee, within ten days after receiving such notice, and before entering upon the discharge of the duties of the office, shall enter into a bond, to be approved by the Board of Supervisors, in such sum as they may deem necessary, and with two good and sufficient sureties, said bond to be conditioned for the faithful performance of his duties as such Road Overseer to the best of his knowledge and ability, and to be executed to the people of the State of California.

Fine for refusal to discharge duties. SEC. 3. If any person, having received such appointment and notice, shall fail or refuse to file his bond and enter upon the discharge of his duties as such Overseer within the time specified in section two of this Act, without good and sufficient cause before shown to the Board of Supervisors by his affidavit filed with the Clerk of said Board, he shall be liable to a fine of twenty-five dollars, to be enforced and collected in any Court of competent jurisdiction.

Duties of Overseer. SEC. 4. The Road Overseers shall cause the public highways within their respective districts to be kept clear from obstructions and in good repair, causing banks to be graded, bridges and causeways to be constructed where the same may be necessary, to keep the same in good repair, and renew them when

destroyed, and to open new roads when ordered by the Supervisors so to do.

SEC. 5. The Road Overseers shall have the power to make use of any gravel, dirt, timber, or rock for improving the roads which may be necessary from any adjacent unimproved lands, and if damages be claimed, they may be awarded in the same manner as is provided in the Act to which this is supplemental for ascertaining and awarding damages in laying out of new roads.

SEC. 6. The Board of Supervisors shall cause blank poll road tax receipts to be printed, and to be issued, numbered, and signed by their Clerk, for the use of the several Overseers, to be given out by them in evidence of labor performed upon the roads, or for its equivalent in money received in payment of such road tax, which receipts so delivered to such Overseers shall be accounted as so much money paid to them as the amount each of such tax, and for which they shall give their receipts. Each Overseer shall keep a correct account in books suitable for the purpose, to be furnished him by said Board, of all money collected by him in his district for road purposes, together with the names of persons who pay in cash, the amount paid by each, and the names of those who perform labor, the number of hours work performed by each, and the names of all delinquents, and report the same to the Board of Supervisors quarterly, together with such other information respecting the affairs of his office as they may in writing require. At the end of the year, and at or before the expiration of his term of office, each Overseer shall render his yearly account to said Board, verified before some officer having power to administer oaths, in which he shall exhibit the whole amount collected during the year, the date when and from whom received, the amount expended by him, to whom and for what purposes paid, the number of days, at the rate of eight hours per day, he has been actually employed upon the roads in his district, with the names of the persons employed, distinguishing between those performing labor as required by section eight of this Act, and the whole number of poll road tax receipts delivered, distinguishing between those given for labor and those given for money, and the names of all delinquents. He shall also furnish a schedule of all property belonging to his road district. Upon receiving such yearly accounts the Board of Supervisors shall make a final settlement with the Road Overseers, and shall allow them each for their services for each day actually and necessarily employed by them upon the roads in their respective districts the sum of three dollars per day and the additional sum of five per cent on each road tax collected in cash; *provided*, that the time occupied in collecting such road tax shall not in any manner be construed as time spent in actual and necessary work on roads.

SEC. 7. Each Road Overseer shall be the custodian of all the public property, including all account books, or otherwise, furnished by the Board of Supervisors, belonging to his district, and shall be held responsible for its loss. He shall deliver the

same to his successor in office, on demand, and take his receipt therefor, specifying each article.

SEC. 8. The Board of Supervisors shall have power to levy an annual poll road tax on each and every able bodied male resident of the county between the ages of twenty-one and fifty years, not to exceed four dollars each; and every person so taxed shall be required to perform, either in person or by sub-

Levy of poll road tax. substitute, labor on the highways in his respective district, which

labor shall be performed at any time during the year, when required by the Road Overseer, at the rate of twenty-five cents per hour, eight hours or more to the day, as the Overseer shall direct, or in default thereof shall pay to the Road Overseer of

Payment and receipt. his district the amount of such tax for the benefit of the high-

ways of his district. And whenever the labor required by this Act has been performed by any person, or instead thereof money paid, the Road Overseer shall deliver to the person entitled thereto a proper receipt; and if in payment of the poll road tax, then a receipt signed by the Clerk, and countersigned by himself, specifying in all receipts whether received in money or labor; and if in payment of a tax levied under the provisions of section fourteen of this Act, such receipt as the Board of Supervisors shall furnish and direct; but no receipt shall be given for labor performed upon the roads unless such labor has been performed to the satisfaction of the Overseer.

Notice to appear for labor.

SEC. 9. The Road Overseer shall give at least three days' notice, in writing, to each person resident of his district against whom any road tax has been levied under the provisions of this Act, to appear on a certain day and hour named and at a certain place in his district to do and perform the labor required of him under the provisions of this Act; *provided*, that when such Overseer shall require any person to bring with him any team or teams, wagon or wagons, cart or carts, which such person may have, he shall specify the same in such notice, and if so furnished, such person shall be allowed for the use thereof as follows: For two horses, or two mules, with wagon or scraper, or one horse with horse-cart, or for two horses, or two mules, when they only are required, twenty-five cents per hour. And

Failure to appear.

any person so notified who shall fail to appear with such teams, etc., as above required, either in person or by substitute, at the time and place designated in said notice, or who, appearing, shall refuse to perform the labor required of him by the Overseer, shall be considered a delinquent, and shall be proceeded against as such, and the Road Overseer shall proceed to collect of him in money the amount of the tax so due from him in the manner and form hereinafter provided; *provided*, that nothing herein contained shall be so construed as to prevent the Road Overseer from accepting labor at any time from the delinquent, if he, the Overseer, shall deem it advisable so to do. But any person who shall have been prevented from appearing pursuant to notice by sickness, and who shall present to the Road Overseer of his district, within three days after the time specified in such notice for his appearance, a certificate from any practicing physician, or from three respectable citizens of his district, certifying to his disability to perform the labor required at the

time, shall not be liable as a delinquent for such failure under the provisions of this Act.

SEC. 10. Whenever any person shall become a delinquent under the provisions of this Act, it shall be the duty of the Road Overseer of the district in which such person belongs, to levy upon any property of such delinquent which may be found, and to sell the same at auction to the highest bidder for cash, or so much thereof as may be necessary to pay the amount of his delinquency and the cost of levy and sale; *provided*, no sale shall be valid unless due notice thereof has been posted in three of the most public places in his district of the time and place of such sales, together with a description of property to be sold, at least five days previous thereto. The Road Overseer shall be entitled to charge three dollars for his services in levying upon and advertising such property and selling the same; but the same shall not in any case become a county charge.

*Seizure and
sale of prop-
erty for tax.*

SEC. 11. Moneys, credits, and effects of the delinquents may be attached in the hands of third parties by the Road Overseer by delivering to the party having such moneys, credits, or effects of the delinquent a written order of garnishment requiring said party to pay him the sum of the tax due from delinquents, together with costs and three dollars charges allowed to the Overseer; or if such party have not so much, then what of money, credits, or effects he may have, and the receipt of the Overseer therefor to such party shall be a legal offset to any claims existing against the party garnisheed to the amount of the receipt in favor of such delinquent. If any person on whom such garnishment is served should neglect or refuse to pay to the Road Overseer the sum demanded of him for the space of five days after receiving such notice, the Road Overseer shall apply to any Justice of the Peace of his township for an order requiring said person so served to appear before him forthwith, or on a certain day so named in said order, to answer on oath concerning any moneys, credits, or effects in his hands belonging to such delinquent, and if it shall appear by the answer of the party to the satisfaction of the Justice, that he has moneys, credits, or effects in his hands belonging to the delinquent, the Justice shall enter in his docket a judgment against the party *Refusal to
pay.* *Judgment.* thus examined for the tax due from such delinquent, and three dollars and costs, the tax to be applied to the construction and repair of the highways in his district, and the three dollars to the Overseer for his charges. Upon receiving the said tax and the three dollars, the Overseer shall execute a proper receipt for such tax and his own receipt for the three dollars costs. The judgment rendered against the person served with garnishment shall be collected in the same manner as other judgments in Justices' Courts, and shall be a legal offset against the delinquent in favor of the judgment debtor.

*Garnish-
ment of
moneys be-
longing to
delinquents.*

SEC. 12. The Road Overseer shall have power to let contracts for the construction, repairs, and improvement of public roads or bridges in their respective districts, where the amount of such contracts shall not exceed the sum of one hundred dollars; *pro-
vided*, that all contracts shall be let to the lowest responsible bidder; and, *provided*, that no contract shall be let unless due notice of the time and place of letting has been given by posting

Contracts.

notice in at least three of the most public places in the district, at least one week prior, specifying the work to be done, and asking for sealed proposals. All contracts for the construction, repairs, and improvements of roads involving any expenditure exceeding the sum of one hundred dollars, shall be let by the Board of Supervisors to the lowest responsible bidder, notice of such letting to be advertised in a newspaper published in the county, at least two weeks prior to the letting, asking for sealed proposals; but the Road Overseer may contract for repairs of roads and bridges to any sum not exceeding the sum of fifty dollars without advertising for sealed proposals, and the Road Overseer shall have power to employ persons by the day, at a compensation of two dollars per day, on the road in his district when he supervises the work personally; *provided*, that he shall let no contracts and employ no persons except he has road funds in his hands sufficient to pay for the same.

Overseer to
supervise
improve-
ments.

SEC. 13. All improvements upon the public highways shall be made under the supervision and direction of the Road Overseer of the district in which the improvement is made, and no contractor shall receive pay in full for work performed under his control until the Road Overseer has accepted the job from the contractor by certificate in writing; *provided*, that all contracts let by the Board of Supervisors shall be accepted by them.

Levy of
property tax

SEC. 14. Whenever, at any regular meeting of the Board of Supervisors, a petition by a majority of the property taxpayers of any district, shall be presented to said Board asking that a property road tax be levied upon the taxable property, both real and personal, within such district for road purposes, the Board of Supervisors are hereby empowered, and they shall thereupon levy such tax, not to exceed fifty cents on each one hundred dollars of valuation of taxable property within such district in any one year, such valuation to be taken from the last equalized assessment roll; and the persons and property so taxed are hereby required to pay the tax so levied in the same way and manner and under the same conditions as the poll road tax is required to be paid; and the provisions in this Act provided for the enforcement of the collection of the poll road tax are hereby made applicable to the enforcement of the collection of any tax which may be levied under this section.

List of per-
sons and
property.

SEC. 15. The Board of Supervisors, for the levying of such tax, may require, and it is hereby made the duty of the Road Overseer of such district to furnish them such information as he may be able respecting the persons and property in his district subject to such tax, and upon receiving such information, or before, as they shall deem advisable, said Board shall make out or cause to be made out a tax list, to be certified by the Chairman of said Board to be correct, containing the names of such persons, if known, and a description of such property against whom and upon which such property tax has been levied and assessed, the amount of the tax, and blank columns appropriately headed, as "Whole amount paid," "Amount due," "Amount paid in cash," "Amount paid in work," "Number of hours work," and such further particulars, if any, such Board shall deem advisable. After the completion of such list, and the summing up of the amount of taxes thereon, said Board shall deliver the list to the

Overseer of such district, and charge him with and take his receipt for such amount of taxes as of so much money.

SEC. 16. Upon receiving such list the Overseer shall give such bonds, the amount thereof to be fixed by the Board of Supervisors, with two good and sufficient sureties, conditioned for the faithful discharge of his duties in the collection and appropriation, and in reporting and accounting to and settlement with the Board of Supervisors of the tax so levied, in the same manner as provided in this Act for the collection and appropriation, and in reporting and accounting to and settlement with the Board of Supervisors of the poll road tax.

SEC. 17. Upon making his yearly account and settlement with the Board of Supervisors, the Road Overseer shall fill out said blanks in such list as provided in section fifteen of this Act, to wit: He shall enter therin, in each case, opposite the name, property, and tax, the whole amount paid, the amount due and unpaid, the amount paid in cash, the amount paid in work, and the number of hours work, and shall make oath before the Clerk of said Board, which oath shall be inscribed on such list, that the entries made therein contain a full, true and correct statement of the amount of such tax paid, amount due and unpaid, amount paid in cash, amount paid in work, and number of hours work, as specified in each case; and the said Board shall thereupon deduct from the whole amount of such tax charged to him, as provided in section fifteen of this Act, the amount so returned uncollected and due; and if he shall return any poll road tax receipts to the Board of Supervisors on his final settlement, he shall be allowed the same therefor as he was charged.

SEC. 18. Within five days after the return of such list to the Board of Supervisors, duly sworn to as provided in the last section, the Chairman thereof shall deliver the same, duly certified by himself, to the District Attorney of his county for collection of the delinquent taxes therein, if there be any such; and said list shall thereupon have the same force and effect as the delinquent tax list mentioned in an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, one thousand eight hundred and sixty-one, and all amendments thereto; and all the provisions of said Acts and amendments thereto, in relation to the enforcement of the collection of State and county delinquent taxes, are hereby made applicable to this Act for the purposes of the collection of the unpaid taxes in the delinquent list so certified to the District Attorney by the Chairman of said Board; and the District Attorney is hereby authorized to enforce such collection under the provisions of said Acts and amendments thereto.

SEC. 19. If any Road Overseer shall give out any poll road tax receipts except those authorized to be given under this Act, properly signed, dated, and filled up with ink, or shall neglect or refuse to perform any of the duties imposed upon him under the provisions of this Act, or shall neglect or refuse to pay over to the County Treasurer any moneys received by him as such Overseer, when ordered so to do by the Board of Supervisors, which he was not authorized under the provisions of this Act or by said Board to expend in his district, shall, in addition to his liability therefor on his official bonds, be deemed guilty of a

Overseer's bond.

Overseer's duty in making annual settlement.

Deductions.

Collection of delinquent tax.

Acts made applicable.

Penalty for neglect of duty.

misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the County Jail not exceeding six months, or by both such fine and imprisonment.

Actions.

SEC. 20. All actions commenced under the provisions of this Act shall be in the name of "The People of the State of California," and no officer or resident otherwise competent shall be deemed incompetent to act as such officer, or as a juror, or a witness in such case because of any interest he may have in the event of such suit by reason of his being a resident of such district or township.

Sections repealed.

SEC. 21. Sections nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, and twenty-eight of an Act entitled an Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou, approved April nineteenth, eighteen hundred and fifty-nine, are hereby repealed so far as they apply to the County of San Joaquin.

SEC. 22. This Act shall take effect from and after its passage, and shall apply only to the County of San Joaquin, but shall not be construed to apply to or affect in any manner any law now in force in or applicable to the Counties of Tuolumne, Siskiyou, or Plumas.

CHAP. DXVII.—*An Act to amend an Act entitled an Act concerning roads and highways in the County of Placer, approved April twenty-fourth, A. D. eighteen hundred and sixty-two.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Road district.

Section 1. Each township in Placer County shall constitute a road district.

SEC. 2. Section two of said Act is hereby amended so as to read as follows:

Collection of taxes and percentage of Collectors.

Section 2. The Tax Collector or Collectors of the County of Placer shall collect the road tax in said county, and shall have and exercise the same powers in enforcing the collection of said taxes as are by law conferred in the collection of foreign miners' license tax, and shall receive fifteen per cent on the amount collected in full for all fees and percentage in collecting the same; said Collectors shall pay over such moneys as they may collect and receive under the provisions of this Act, less the percentage allowed them for collection, to the County Treasurer of said county at the same time and in the same manner as is provided by law for the payment of moneys collected by them for poll, license, and other taxes in said county.

SEC. 3. Section three of said Act is hereby amended so as to read as follows:

Section 3. All moneys collected under the provisions of this Act shall be a separate Road Fund for each road district in which such moneys have been collected, and except as herein-after provided shall be applied for the purpose of constructing and keeping in repair all public roads, trails, bridges, and guide boards in said district; *provided*, that such moneys as may not be expended for the construction and necessary repairs of public roads, trails, bridges, and guide boards in said districts, together with the ten per cent on all moneys collected and paid to the County Treasurer for road purposes in said county, from and after the first Monday in March, A. D. eighteen hundred and sixty-eight, and any and all moneys in excess of the sum of three thousand dollars collected in any one road district and paid to the County Treasurer in any one year after the passage of this Act, shall be reserved as a fund, to be known as a Toll Road Redemption Fund, for the purchase of toll roads, toll trails, and toll bridges in the County of Placer. It shall be the duty of the Board of Supervisors of Placer County, at any regular or called meeting of said Board, whenever there shall be in the Toll Road Redemption Fund provided for in this Act the sum of five hundred dollars or more, to cause a notice to be given by publication in one or more newspapers published in said county, that at the next regular meeting of said Board they will receive sealed proposals for the surrender of toll roads, toll trails, and toll bridges to said county, such proposals to state the length and location of such road, trail, or bridge, the first cost thereof before any travel thereon, and the amount and description of travel thereon, and the receipts for toll per month at the time of offer of surrender, and the amount for which the owner or owners thereof will surrender the same to the county; and the said Board, except as hereinafter stated, shall accept the offer of the lowest bidder, to be ascertained as nearly as may be by estimation of the original length of and travel on such road, trail, or bridge; *provided*, they shall not accept any bid for a sum greater than in said fund; *provided*, if said Board, upon consideration of all offers made after any advertisement as aforesaid to surrender toll roads, toll trails, or toll bridges, deem it inexpedient to accept any of such offers because the same and all of such offers are unreasonably high, they may reject all such offers, and such Toll Road Redemption Fund shall remain in the Treasury until after another advertisement as aforesaid, to be made thereafter, which shall be not less than six months, when such further offers as may be made may be accepted or rejected as aforesaid; and the necessary expenses of such proposals and other necessary expenses of such proceedings shall be paid out of said Toll Road Redemption Fund. When any proposal for the surrender of any toll road, toll trail, or toll bridge as hereinbefore provided shall have been accepted, the same shall be ratified and completed by good and sufficient deed of release to Placer County by such bidder, to be approved by the District Attorney of said county, and thereafter such toll road, toll trail, or toll bridge shall become a public highway.

SEC. 4. Section four of said Act is hereby amended so as to read as follows:

Election of Road Commissioner, and term of office.

Section 4. At each regular election for county officers in said county, there shall be elected in each road district therein, by the qualified electors resident thereof, one Road Commissioner, who shall hold his office for the term of two years from and including the first Monday in March subsequent to his election, and until his successor is elected and qualified, and within twenty days after being duly notified of his election, such Road Commissioner shall qualify in the manner prescribed by law for township officers, and shall file his bond in the office of the County Clerk, with two sufficient sureties, in the sum of not less than one nor more than five thousand dollars, to be fixed by the Board of Supervisors, said bond to be approved by the County Judge, and shall be conditioned that he discharge the duties of his office according to law. The terms of office of Road Commissioners of said county who were elected at the general election in the year eighteen hundred and sixty-five, are hereby extended to the first Monday in March, A. D. eighteen hundred and sixty-eight.

Bond.

SEC. 5. Section five of said Act is hereby amended so as to read as follows:

Section 5. It shall be the duty of said Road Commissioner to construct and keep in repair all public roads, trails, highways, and bridges in his district; also, to procure, erect and maintain suitable guide boards at the principal corners and cross roads and trails in his district, showing the distance and direction of the nearest town to which such trail or road leads, and may employ laborers, procure lumber, timber, and materials, to be used in the construction and repairs of roads, trails, highways, bridges, and guide boards, and the cost thereof shall be paid out of the Road Fund of his district; *provided*, that the total expenditure to be made as aforesaid during each year shall not exceed the amount of money in the Road Fund of his district for said year.

Duties.

SEC. 6. Section twenty-four of said Act is hereby amended so as to read as follows:

Statement, and compensation.

Section 24. Such statement when duly verified and presented to the Board of Supervisors, shall be *prima facie* evidence that the contents are true, and the charges just and proper; and it shall be the duty of said Board to audit and allow to the Road Commissioner for all services by him previous to the first Monday in March, A. D. eighteen hundred and sixty-eight, the sum of four dollars per day, and from and after the first Monday in March, A. D. eighteen hundred and sixty-eight, the sum of three dollars per day, for each day's service of himself, and the amount paid or to be paid by him for labor hired and material purchased, as shown by his statement. It shall be the duty of the Auditor of said county to draw his warrant on the District Road Fund of the Commissioner's district for the amount so allowed in favor of the Commissioner; and the County Treasurer of said county shall pay the same from the proper District Road Fund on presentation.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAP. DXVIII.—An Act amendatory of and supplemental to an Act regulating rodeos, passed April thirtieth, one thousand eight hundred and fifty-one.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of an Act entitled an Act to regulate rodeos, passed April thirtieth, one thousand eight hundred and fifty-one, is amended so as to read as follows:

Section 8. No person shall be allowed at any time or under any circumstances to run cattle from without the boundaries of his own range, except after having given notice to and received permission from the person in charge of the range where he may desire so to do; and whoever shall transgress this provision, shall be liable, upon conviction thereof before any Justice of the Peace, to a penalty of not less than one hundred nor more than five hundred dollars, or to imprisonment for not less than three months nor more than six months, at the discretion of the Justice.

Sec. 2. It shall hereafter be unlawful for any person to kill or slaughter upon the plains, either in his own or any other range, any unmarked or recently marked neat cattle, calf, or other cattle; and any person violating the provisions of this section, shall be liable, upon conviction thereof before any Justice of the Peace, to a penalty of not less than one hundred nor more than five hundred dollars, or by imprisonment for not less than three months nor more than six months, at the discretion of the Justice.

Sec. 3. Any person having possession of any unmarked calves which are not following their mothers, said calves having been taken from any other than his own range, or a range of which he has charge, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any Justice of the Peace, shall be liable to the penalty of not less than one hundred nor more than five hundred dollars, or to be imprisoned for not less than three nor more than six months, at the discretion of the Justice.

Sec. 4. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Sec. 5. This Act shall apply only to the Counties of Merced, Stanislaus, and Fresno.

Sec. 6. This Act shall take effect and be in force from and after its passage.

CHAP. DXIX.—An Act to provide for the selection of the lands donated to the State of California by Act of Congress, approved July second, A. D. eighteen hundred and sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts, and all lands that may be granted to the State for like purposes.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor of this State, the President of the State Agricultural Society, and the Surveyor-General, shall constitute a Board, to be known as the Agricultural College Land Board, and said Board shall have the control and management of the selection of all the lands granted to this State by Act of Congress, approved July second, eighteen hundred and sixty-two, providing for the endowment of colleges for the benefit of agriculture and the mechanic arts, and of all lands that may hereafter be granted for that purpose. Said Board shall appoint one or more suitable Commissioners, whose duty it shall be to select unoccupied, unappropriated, and surveyed public lands, and locate as soon as practicable the quantity of land donated to this State by the Act of Congress aforesaid, and to make return of the lands so located to the Register of the State Land Office of the State of California, properly designated and described, and to notify the Registers of the United States District Land Offices for the districts in which the selection and location is made of such selection as fast as the land is so selected.

SEC. 2. The Register of the State Land Office shall, as fast as such selections are made and returned to him, forward to the Secretary of the Interior of the United States full and complete descriptions of all such lands, and obtain the necessary title to the State of California for the same.

SEC. 3. The Agricultural Land Board shall certify from time to time to the Board of Examiners of State the amounts required to pay expenses of selecting and locating and making returns of said lands, and the Controller of State shall draw his warrant upon the Treasurer for the amount certified to be due by the Board of Examiners, and the Treasurer shall pay the same out of any money in the Treasury not otherwise appropriated. They shall also report to the Board of Directors of the Agricultural, Mining, and Mechanical Arts College, on or before the first day of October, A. D. eighteen hundred and sixty-seven.

Report. As soon as practicable after this Act shall have gone into effect, said Board shall apply to the Commissioners of the General Land Office for an order directing the Registers of the several district land offices in this State to withdraw from market and so mark on their plats any of the lands of the United States subject to sale at private entry that may be selected by authority of this Board whenever the Register shall have been notified of such selections. All certificates, contracts, or other papers emanating from said Board shall be signed by the Chairman and Secretary of said Board.

**Agricultural
College Land
Board.**

**To locate
land.**

**Descriptions
to be return-
ed to Secre-
tary of
Interior.**

**Payment of
expenses.**

**Withdrawal
from private
entry of
lands
selected.**

CHAP. DXX.—An Act for the relief of A. H. Willard and J. B. Hartsough.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A. H. Willard and J. B. Hartsough are hereby discharged and released from all liability upon a judgment rendered against them and in favor of the people of the State in the District Court of Butte County, on or about the fourteenth day of April, A. D. eighteen hundred and sixty-five, as sureties upon a certain bail bond executed by them, for the appearance of one Stores before the County Court of Butte County, the said Stores having been surrendered by his said sureties after the rendition of said judgment, and having been thereafter legally acquitted of the charge on which said bail bond was given.

SEC. 2. This Act shall take effect immediately.

CHAP. DXXI.—An Act making appropriations for the support of the civil government of this State for the eighteenth and nineteenth fiscal years, commencing on the first day of July, A. D. one thousand eight hundred and sixty-six, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty-eight.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums of money are hereby appropriated, out of any money in the State Treasury not otherwise appropriated, for the objects hereinafter expressed, and for the support of the civil government of this State for the eighteenth and nineteenth fiscal years, commencing on the first day of July, A. D. one thousand eight hundred and sixty-six, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty-eight, inclusive :

For salary of Governor, fourteen thousand dollars.

For rent of Governor's office, eighteen hundred dollars.

For pay of Porter in Governor's office, six hundred dollars.

For salary of Private Secretary of the Governor, four thousand eight hundred dollars.

For pay of Clerk in Executive Department, three thousand six hundred dollars.

For Special Contingent Fund of the Governor's office, ten thousand dollars, to be drawn at his discretion; *provided*, that this amount shall be used for a Secret Service Fund, and for no other purpose whatever; *provided*, further, that the Governor

CHAP. DXIX.—An Act to provide for the selection of the lands donated to the State of California by Act of Congress, approved July second, A. D. eighteen hundred and sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts, and all lands that may be granted to the State for like purposes.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Agricultural
College Land
Board.

To locate
land.

Descriptions
to be return-
ed to Secre-
tary of
Interior.

Payment of
expenses.

Report.

Withdrawal
from private
entry of
lands
selected.

SECTION 1. The Governor of this State, the President of the State Agricultural Society, and the Surveyor-General, shall constitute a Board, to be known as the Agricultural College Land Board, and said Board shall have the control and management of the selection of all the lands granted to this State by Act of Congress, approved July second, eighteen hundred and sixty-two, providing for the endowment of colleges for the benefit of agriculture and the mechanic arts, and of all lands that may hereafter be granted for that purpose. Said Board shall appoint one or more suitable Commissioners, whose duty it shall be to select unoccupied, unappropriated, and surveyed public lands, and locate as soon as practicable the quantity of land donated to this State by the Act of Congress aforesaid, and to make return of the lands so located to the Register of the State Land Office of the State of California, properly designated and described, and to notify the Registers of the United States District Land Offices for the districts in which the selection and location is made of such selection as fast as the land is so selected.

SEC. 2. The Register of the State Land Office shall, as fast as such selections are made and returned to him, forward to the Secretary of the Interior of the United States full and complete descriptions of all such lands, and obtain the necessary title to the State of California for the same.

SEC. 3. The Agricultural Land Board shall certify from time to time to the Board of Examiners of State the amounts required to pay expenses of selecting and locating and making returns of said lands, and the Controller of State shall draw his warrant upon the Treasurer for the amount certified to be due by the Board of Examiners, and the Treasurer shall pay the same out of any money in the Treasury not otherwise appropriated. They shall also report to the Board of Directors of the Agricultural, Mining, and Mechanical Arts College, on or before the first day of October, A. D. eighteen hundred and sixty-seven. As soon as practicable after this Act shall have gone into effect, said Board shall apply to the Commissioners of the General Land Office for an order directing the Registers of the several district land offices in this State to withdraw from market and so mark on their plats any of the lands of the United States subject to sale at private entry that may be selected by authority of this Board whenever the Register shall have been notified of such selections. All certificates, contracts, or other papers emanating from said Board shall be signed by the Chairman and Secretary of said Board.

CHAP. DXX.—An Act for the relief of A. H. Willard and J. B. Hartsough.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A. H. Willard and J. B. Hartsough are hereby ^{Discharge from liability.} discharged and released from all liability upon a judgment ren- dered against them and in favor of the people of the State in the District Court of Butte County, on or about the fourteenth day of April, A. D. eighteen hundred and sixty-five, as sureties upon a certain bail bond executed by them, for the appearance of one Stores before the County Court of Butte County, the said Stores having been surrendered by his said sureties after the rendition of said judgment, and having been thereafter legally acquitted of the charge on which said bail bond was given.

SEC. 2. This Act shall take effect immediately.

CHAP. DXXI.—An Act making appropriations for the support of the civil government of this State for the eighteenth and nineteenth fiscal years, commencing on the first day of July, A. D. one thousand eight hundred and sixty-six, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty-eight.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums of money are hereby appro- priated, out of any money in the State Treasury not otherwise appropriated, for the objects hereinafter expressed, and for the support of the civil government of this State for the eighteenth and nineteenth fiscal years, commencing on the first day of July, A. D. one thousand eight hundred and sixty-six, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty-eight, inclusive :

For salary of Governor, fourteen thousand dollars.

For rent of Governor's office, eighteen hundred dollars.

For pay of Porter in Governor's office, six hundred dollars.

For salary of Private Secretary of the Governor, four thousand eight hundred dollars.

For pay of Clerk in Executive Department, three thousand six hundred dollars.

For Special Contingent Fund of the Governor's office, ten thousand dollars, to be drawn at his discretion; *provided*, that this amount shall be used for a Secret Service Fund, and for no other purpose whatever; *provided*, further, that the Governor

Appropriations.

shall account for the disbursement of the same to the Senate at the next session of the Legislature.

For payment of rewards which may be offered by the Governor under the Act of April twenty-ninth, eighteen hundred and fifty-one, a sum not exceeding six thousand dollars.

For arresting criminals without the limits of this State, to be expended under the direction of the Governor, two thousand dollars.

For postage, expressage, and telegraphing in Governor's office, one thousand dollars.

For salary of Secretary of State, eight thousand dollars.

For salary of Clerks in office of Secretary of State, twelve thousand dollars.

For postage and expressage in office of Secretary of State, twelve hundred dollars.

For copying and indexing laws in office of Secretary of State, four hundred and fifty dollars.

For transportation of books and documents ordered to be distributed by Secretary of State, twenty-six hundred dollars.

For pay of Porter in office of Secretary of State, six hundred dollars.

For stationery, blank books, light, fuel, etc., for the Legislature and State officers, thirty thousand dollars. Said amount to be used for no other purpose by the Secretary of State; and no Clerk shall receive his salary out of said appropriation.

For contingent expenses in office of Secretary of State, three hundred dollars.

For salary of Controller of State, eight thousand dollars.

For salary of Deputy Controller, thirty-six hundred dollars.

For salary of Clerks in office of Controller of State, seventeen thousand eight hundred dollars.

For pay of Porter in office of Controller of State, four hundred dollars.

For prosecution of delinquents for infractions of the revenue laws, to be expended under the direction of the Controller, two thousand dollars.

For postage and expressage in office of Controller, four thousand four hundred dollars.

For contingent expenses in office of Controller, three hundred dollars.

For salary of Treasurer of State, eight thousand dollars.

For salary of Clerks in office of Treasurer of State, seven thousand two hundred dollars.

For salary of Watchman in office of Treasurer of State, twenty-four hundred dollars.

For pay of Porter in office of Treasurer of State, four hundred dollars.

For postage and contingent expenses in office of Treasurer of State, four hundred dollars.

For posting and cancelling coupons in Treasurer's office, six hundred dollars.

For salary of Attorney-General, eight thousand dollars.

For rent of office and portage for Attorney-General, nine hundred and sixty dollars.

For salary of Clerk in office of Attorney-General, three thousand six hundred dollars. Appropriations.

For postage and contingent expenses in office of Attorney-General, two hundred dollars.

For costs and expenses of suits where the State is a party in interest, to be expended under the direction of the Attorney-General, eight thousand dollars.

For salary of Superintendent of Public Instruction, six thousand dollars.

For salary of Clerk of Superintendent of Public Instruction, thirty-six hundred dollars.

For travelling expenses of Superintendent of Public Instruction, two thousand dollars.

For rent of office of Superintendent of Public Instruction, twelve hundred dollars.

For postage and expressage in office of Superintendent of Public Instruction, sixteen hundred dollars.

For stationery, light, and fuel, for office of Superintendent of Public Instruction, four hundred dollars.

For contingent expenses in office of Superintendent of Public Instruction, five hundred dollars.

For support of State Normal School, sixteen thousand dollars.
(For State Teacher's Institute, five hundred dollars.)

For salary of Surveyor-General, four thousand dollars.

For Salary of Clerk in Surveyor-General's office, thirty-six hundred dollars.

For rent of office for Surveyor-General and Land Office, thirteen hundred and twenty dollars.

For binding books, and contingent expenses in Surveyor-General's office, two hundred and fifty dollars.

For the purchase of maps, plats, and township, from the United States Surveyor-General, five hundred dollars.

For copying the same for the use of County-Surveyors and State Locating Agents, five hundred dollars.

For pay of Porter in Surveyor-General's office, three hundred dollars.

For postage and expressage in Surveyor-General's office, five hundred dollars.

For salary of Register of State Land Office, four thousand dollars.

For salary of Draughtsman in State Land Office, four thousand eight hundred dollars.

For Salary of Clerk in State Land Office, thirty-six hundred dollars.

For binding books, and contingent expenses, in State Land Office, two hundred and fifty dollars.

For postage and expressage in State Land Office, five hundred dollars.

For pay of Porter in State Land Office, three hundred dollars.

For salary of State Librarian, five thousand dollars.

For salary of Deputy State Librarian, thirty-six hundred dollars.

For pay of Porter in State Library, six hundred dollars.

For rent of State Library rooms, thirty-eight hundred dollars.

- Appropriations.
- For postage, expressage, and contingent expenses for State Library, eight hundred dollars.
 - For shelving and furniture for State Library, twelve hundred dollars.
 - For insurance of State Library, eighteen hundred dollars.
 - For salary of Clerk of Board of Examiners, twelve hundred dollars.
 - For salary of Expert to Board of Examiners, twelve hundred dollars.
 - For contingent expenses of Board of Examiners, four hundred dollars.
 - For salary of Resident Physician of State Insane Asylum, seven thousand dollars.
 - For salary of Assistant Physician of the State Insane Asylum, five thousand dollars; *provided*, the salaries of the Resident and Assistant Physician of the State Insane Asylum shall be paid out of any money appropriated and set apart for the use and support of said Asylum.
 - For salaries of Judges of the Supreme Court, sixty thousand dollars.
 - For salary of Secretary of the Supreme Court, three thousand six hundred dollars.
 - For salary of Bailiff and Porter of the Supreme Court, twenty-four hundred dollars.
 - For salary of Reporter of the Supreme Court, eight thousand dollars.
 - For rent of Supreme Court rooms, six thousand dollars.
 - For each three hundred copies of the Supreme Court Reports, as provided by law, two thousand dollars.
 - For salaries of District Judges, one hundred and fifty-six thousand dollars.
 - For transportation of prisoners to the State Prison, fifty thousand dollars.
 - For per diem and mileage of Lieutenant-Governor and Senators, forty-five thousand dollars.
 - For per diem and mileage of members of the Assembly, ninety thousand dollars.
 - For per diem of officers and Clerks of the Senate, fifteen thousand dollars.
 - For per diem of officers and Clerks of the Assembly, seventeen thousand dollars.
 - For contingent expenses of the Senate, four thousand dollars.
 - For contingent expenses of the Assembly, six thousand dollars.
 - For printing, paper, and official advertisements, eighty thousand dollars.
 - For the support of the State Asylum for the Insane, two hundred and forty thousand dollars.
 - For the support of the State Reform School, twenty thousand dollars.
 - For rent of State House, ten thousand dollars.
 - For salary of Adjutant-General, six thousand dollars.
 - For salaries of Clerks in office of Adjutant-General, eleven thousand dollars.
 - For rent of State Arsenal, one thousand two hundred dollars.

For rent of office of Adjutant-General, one thousand two hundred dollars. Appropriations.

For cleaning and repairing arms, cartage, and transportation of arms, four thousand dollars.

For postage, expressage, and telegraphing for Adjutant General's office, one thousand two hundred dollars.

For pay of Porter in Adjutant-General's office, six hundred dollars.

For contingent expenses in office of Adjutant-General, six hundred dollars.

For payment of safe for Adjutant-General's office, to be drawn in eighteenth fiscal year, eight hundred dollars.

For salaries and commissions of Stamp Inspectors, ten thousand dollars.

For salary of Clerk of Stamp Commissioners, twelve hundred dollars.

For contingent expenses in Stamp Inspectors' office, seven hundred dollars.

For the education and care of the indigent deaf, dumb, and blind, in accordance with the provisions of an Act approved March twenty-ninth, eighteen hundred and sixty-one, fifty thousand dollars; *provided*, that this appropriation shall be drawn quarterly, in proportion of two hundred and fifty dollars per annum for each pupil actually a resident of the Asylum during the preceding quarter; *provided*, further, that a sum not exceeding seven thousand five hundred dollars per annum of the above amount may be drawn to pay the teachers.

For the support of the State Prison, to be expended under the direction of the State Prison Directors, one hundred thousand dollars.

For the California State Agricultural Society, eight thousand dollars.

For the San Francisco Protestant Orphan Asylum, fifteen thousand dollars.

For the San Francisco Ladies' Protection and Relief Society, nine thousand dollars.

For the Roman Catholic Orphan Asylums, fifteen thousand dollars, to be paid to Archbishop Alemany for distribution.

For Howard Benevolent Society of Sacramento, two thousand dollars.

For translating the laws of the sixteenth session of the Legislature into Spanish, four thousand dollars; *provided*, there may be sufficient money drawn during the eighteenth fiscal year to pay for said translation.

For payment of the expenses of the State Geological Survey, thirty thousand dollars.

For engraving and publication of reports, fifteen thousand dollars.

To the Industrial School Department of the City and County of San Francisco, for the payment of the debts now existing against the institution, fourteen thousand dollars; *provided*, the full amount may all be drawn in the eighteenth fiscal year.

Sec. 2. The Trustees, Managing Agents, or Directors of any asylums, charitable associations, or societies, to which appropriations or donations are made by this Act, shall report to the Leg-

Trustees, etc. legislature on or before the twentieth day of December in each year of asylums to which the Legislature shall be in session, a detailed statement of report to Legislature.

their respective expenditures, with the number of orphans and others who have been inmates of said asylums or have received assistance from said societies during the two years next preceding such report, which statement shall be sworn to.

Stationery, fuel, etc. to be furnished by the Supreme Court and State officers, shall be furnished by Secretary of State upon the order of the Judges or officers of State.

requiring the same. The Secretary of State shall furnish, under oath, to the Legislature, a statement at the time he makes his annual report, showing the cost of the articles so furnished to said Judges and State officers. The stationery, light, and fuel, furnished by the Secretary of State, shall be procured by him as is required by law for the stationery, light, and fuel for the Legislature.

Legislative Contingent Funds to be disbursed under direction of Senate and Assembly. The sums herein appropriated as Contingent Funds of the Senate and Assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight.

Sworn statement of how appropriations have been expended. SEC. 5. The various State officers, except the Governor, to whom appropriations other than salaries are made under the provisions of this Act, shall with their annual report submit a detailed statement, under oath, of the manner in which all appropriations to their respective departments for rent of office, contingent expenses, or other purposes other than salaries, have been expended; *provided*, that no officer shall use or appropriate any money for any purpose whatever unless authorized to do so specifically by law.

Only one half to be drawn during 18th fiscal year. SEC. 6. No officer, asylum, charitable association, or society, to which appropriations are made in this Act, shall be allowed to draw over one half of each particular appropriation during the eighteenth fiscal year, unless otherwise particularly specified in this Act.

CHAP. DXXII.—*An Act for the relief of C. Burden, of Tuolumne County.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Power to allow and pay claim.

SECTION 1. The Board of Supervisors of Tuolumne County is hereby authorized and empowered to audit and allow the claim of C. Burden, for the sum of ninety-two dollars, the same being, or purporting to be, the value of certain articles furnished to the County Hospital of said Tuolumne County by the said C. Burden, and by said Board heretofore rejected as being barred by the statute of limitation; said sum, if audited and allowed,

or any part thereof, to be paid out of the fund applicable to such claims in said county.

SEC. 2. This Act shall take effect immediately.

CHAP. DXXIII.—*An Act to provide for the construction and maintenance of a macadamized road within the limits of the County of Napa, and submit the same to the electors of said county for approval or rejection.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. G. B. Crane, Dwight Spencer, Jesse Grigsby, and ~~Franchise.~~ R. B. Woodward, and their associates and assigns, are hereby granted and the right is hereby ceded to them, for the term of twenty years next succeeding the taking effect of the provisions of this Act, to construct, make, and maintain a macadamized road within the County of Napa, commencing at the north end of the stone bridge on Main street, Napa City, and in and upon the county road as now travelled, at said bridge, leading from Napa City to the upper end of Napa Valley; and thence running in and upon, and including and embracing the said county road, to a point near the Town of St. Helena, where the road leading to the White Sulphur Springs intersects said county road; and in consideration of the construction of said road and keeping the same in good repair, so that the largest teams may securely pass at all seasons of the year, said grantees are further hereby authorized and empowered to levy, charge, and collect tolls of all persons and for all animals and vehicles travelling upon or passing over said road or any part thereof, with the further right to establish and maintain a convenient number of toll gates in and upon said road for the purpose of enforcing the collection of the tolls in and upon said road; *provided*, however, that the tolls to be levied and collected shall be from time to time fixed and regulated by the Board of Supervisors, but without the consent of the grantees, to be so fixed, reduced, or established as to produce a less revenue than eighteen per cent per annum to said company upon the actual cost of the said road, including necessary repairs and expenses in the collection of tolls; and for the purpose of determining the cost of said road, with the expenses attending it, the Board of Supervisors are hereby invested with the right to examine the books of said company, and also to examine on oath any of the stockholders thereof for the purpose of eliciting information by which to regulate and establish the rates of toll to be charged, levied, and collected upon said road from time to time.

SEC. 2. Said grantees, their associates and assigns, shall grade, make, and construct said road herein provided for, which shall be at least twenty feet in width, and as near as may be of uniform grade.

*Grade and
construction
of road.*

Commence-
ment, and
completion.

SEC. 3. Said grantees, their associates and assigns, shall, within six months next succeeding the passage of this Act, commence the construction of said road, and within eighteen months next succeeding the passage thereof, shall fully construct and complete the same.

Napa County
to subscribe
to half the
stock.

SEC. 4. To insure the completion of said road, the Board of Supervisors of Napa County are hereby authorized, directed, and required to take and subscribe of and to the capital stock of the "Napa Valley Macadamized Road Company" an amount equal to one half required to make, construct, and build said road, to be ascertained and determined by the sworn statement of the Engineer employed for the purpose, or otherwise satisfactorily ascertained and determined, and all statements as to the cost of said road to be under oath, and filed with the County Auditor; but the subscription of said county in no event to exceed fifty thousand dollars.

Form of
subscription.

SEC. 5. The County of Napa shall be represented by its Board of Supervisors, and in making its subscription to the said road, the same shall be substantially in the following form: The County of Napa, represented by its Board of Supervisors, does hereby take and subscribe to the capital stock of the Macadamized Road Company, a sum equal to one half of the entire amount necessarily used in its construction, not to exceed fifty thousand dollars. The subscription to be paid in the bonds of the said County of Napa, bearing interest at ten per cent per annum, payable annually; the principal payable in fifteen years after the date of the issuance of said bonds, and both principal and interest payable in United States gold coin; and that said bonds so issued to be received by the said company at their par value; and the County of Napa is in no event to be or become liable for any debt or debts, liability or liabilities of said company other or further than the liability incident to the issuance of the bonds as aforesaid.

Subscription
to be paid in
county bonds

SEC. 6. Said subscription shall be paid in the bonds of said county as aforesaid; and the said bonds shall be issued to said company as follows: Whenever any portion of said road shall have been constructed and completed, and the Secretary of said company shall make oath thereof, designating the length of said road so completed, and shall file the same with the County Auditor, it shall thereupon be the duty of the said Auditor to immediately notify the Chairman of the Board of Supervisors of said county, who shall thereupon call a special meeting of said Board of Supervisors to be held within ten days thereafter; and the said Board shall at such meeting direct the issuance of such amount of bonds of said county to which said company shall then be entitled to receive as by this Act provided, and the order so made shall be entered upon the minutes of the said Board of Supervisors. The Clerk of the Board of Supervisors shall immediately deliver a certified copy of said order of the Board to the County Auditor, who shall file the same, and thereupon issue the bonds of said county in accordance with said order, and thereupon deliver said bonds to the County Treasurer, who, upon demand, shall deliver them to the Secretary of said company and take the receipt of said Secretary therefor. Said bonds shall be of the denomination of five hundred dollars

each, and shall have attached thereto coupons in such manner that they may be easily removed without danger of mutilation to said bonds; and said coupons shall be payable on the first day of January of each year, and shall be duly numbered, and shall express the amount of interest due each year, and when payable. Said bonds and coupons shall be signed by the Chairman of the Board of Supervisors and County Treasurer, and countersigned by the County Clerk of said county, whose duty it shall be to attach the seal of the county to each of said bonds; and it shall be the duty of the County Treasurer to keep a register in which shall be entered each bond issued to said company as aforesaid, with the amount thereof and date of entry.

Sec. 7. The Board of Supervisors of said county are hereby directed and required to levy each year a tax in the manner other taxes are levied for State and county purposes (the present year may be assessed at a special meeting of the Board) twenty (20) cents on each one hundred dollars of the taxable property of said county, which said tax shall be designated "The Interest Tax," and shall be used only to liquidate the interest upon the bonds issued under the provisions of this Act, except as hereinafter provided. And in the year one thousand eight hundred and seventy-six, and each succeeding year thereafter until said bonds are fully paid and liquidated, the said Board of Supervisors shall, if by them deemed necessary, levy a further tax not exceeding twenty-five cents on each one hundred dollars of the taxable property in said county, for the purpose of raising a fund for the liquidation of said bonds, which shall be styled "The Napa Valley Macadamized Road Fund." But should there in any one year be collected an amount greater than required to pay the interest on said bonds, the residue shall be transferred to the said Napa Valley Macadamized Road Fund, and shall be appropriated as hereinafter provided in the next section; and all dividends received by said county from the stock of said Napa Valley Macadamized Road Fund, and in like manner used for the liquidation of said bonds until they shall have been fully paid and liquidated.

Sec. 8. It shall be the duty of the Chairman of the Board of Supervisors, the County Treasurer, and the County Auditor, and they are hereby appointed a Board of Commissioners for that purpose and the purposes of this Act, and shall be known and styled the Napa Valley Macadamized Road Commissioners, and shall perform the duties prescribed in this Act. When at any time there shall be in said Napa Valley Macadamized Road Fund five thousand dollars or upwards, it shall be the duty of said Commissioners to advertise in the newspaper or papers printed and published in the County of Napa, and one paper published in the City of San Francisco, for the space of thirty days, for sealed proposals for the redemption of said bonds; and five days after said notice shall have been completed, said Commissioners shall open said sealed proposals, and shall pay, to the extent of the Napa Valley Macadamized Road Fund then on hand, such bonds as shall be offered for redemption at the lowest price; *provided*, however, that in no event shall said bonds be paid or liquidated for a sum greater than their par value; and,

Denomina-
tions, etc.Levy of
Interest TaxRedemption
tax.Commission-
ers for re-
demption of
bonds.Manner of
redeeming.

provided, further, that in the event no bonds are offered under their par value, then they shall be paid to the extent of the funds then on hand in the order of their issuance; and said Commissioners shall give ten days' notice, by advertisement in the county newspapers, of the number of the bonds to be paid, after which time said bonds shall cease to bear interest.

Directors to be electors of Napa County. SEC. 9. A majority of the Directors of said Napa Valley Macadamized Road Company shall be citizens, residents, and qualified electors of Napa County.

Tolls.

SEC. 10. When it shall appear to the satisfaction of the Board of Supervisors that five miles of said macadamized road shall have been completed, upon application by said company they shall fix and establish the rate of toll that said company may charge upon such portion of said road so finished, and so in like manner until the completion of said road, when it shall be subject to the conditions as to the regulation of tolls as hereinbefore provided.

County interest not subject to mortgage.

SEC. 11. The interests of the county shall in no event be subject to mortgage, levy, or sale under execution or lien, by judgment or otherwise, and no sale, judicial, or in any way or manner, shall invalidate, impair, or affect the right, title, or interest of the county in or to said stock in said macadamized road aforesaid.

Right of purchase reserved.

SEC. 12. It is hereby further *provided*, that at the expiration of five years next succeeding the completion of said macadamized road, the said County of Napa may have the privilege of purchasing the entire interest in and to said road for an amount equal to the cost of said road, to be estimated by the Chairman of the Board of Supervisors on the part of the county, and some one on the part of the stockholders, to be by them selected for that purpose; and in the event of a disagreement, said parties so selected may select a third party, whose decision shall be final; and the amount so fixed shall be paid to the stockholders of said company in United States gold coin; and it is further *provided*, that in order to ascertain the wishes of the people of the county as to the purchase of said road, at the general election next preceding the expiration of the five years aforesaid, the proposition shall be submitted to a vote of the qualified electors of said county.

Question to be submitted to voters.

SEC. 13. This Act shall be submitted to the qualified electors at the next regular election of a member of the Board of Supervisors of the County of Napa, for approval or rejection; and the rights and franchises herein expressed shall be null and void and of no effect unless a majority of all the electors voting upon the following proposition vote in favor thereof. The proposition to be submitted is: Shall there be a macadamized toll road in Napa Valley? And the Board of Supervisors of Napa County shall, at least twenty days before such election, give notice by publication in one or more newspapers published in Napa County, that said proposition will be submitted to the electors at such election for their approval or rejection. The ballots cast at such election shall be in substantially the following form: "The Napa Valley Macadamized Toll Road." Every ballot cast in favor of such proposition shall have the word "Yes" written or printed thereon; and every ballot cast against the same shall

have the word "No" written or printed thereon. A separate ballot box shall be used for the reception of the votes cast on the aforesaid proposition. The manner of voting and the proceedings connected therewith, and the manner of ascertaining and declaring the result thereof, shall be the same as at other elections.

Sec. 14. If upon such canvass by the Board of Supervisors it shall be ascertained that the greater number of the electors of the county voting upon the proposition so submitted shall have voted "No" than have voted "Yes," then such proposition shall be declared rejected. But if upon such canvass it shall be found that a greater number of the electors of said county voting upon the proposition so submitted have voted "Yes" than have voted "No," then such proposition shall be deemed and declared approved, and a record of the fact of such approval shall be entered upon the records of the Board of Supervisors of said county; and in such event, and not otherwise, the rights and franchises herein expressed shall take effect and be operative.

CHAP. DXXIV.—*An Act granting to F. K. Shattuck, William Hillegass, J. H. Haste, and C. Kirke, their associates or assigns, the right to construct and maintain a tramroad or railroad from the Central Coal Mine, at Mount Diablo, in Contra Costa County, to the San Joaquin River.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The said F. K. Shattuck, William Hillegass, ^{Franchise.} J. H. Haste, and C. Kirke, their associates or assigns, are hereby granted the right of way over the lands of the State, and are authorized to construct and maintain a tramroad or railroad, extending from a point at or near the Central Coal Mine, in Contra Costa County, through and along the street known as Parson's Street, in the Town of Antioch, to such point on the southerly bank of the San Joaquin River, at or near the Town of Antioch, as may be selected by said Shattuck, Hillegass, Haste, Kirke, their associates or assigns, for a wharf, designated in the Act to authorize the construction and maintenance of a wharf in the County of Costra Costa, at or near the Town of Antioch, and on the southerly bank of the San Joaquin River, granted to F. K. Shattuck, William Hillegass, J. H. Haste, C. Kirke, their associates and assigns, the rights designated in the title to said Act; *provided*, that the road shall be ^{Proviso.} so constructed as not to obstruct the streets in the Town of Antioch, and the grantees shall not have the right to condemn or appropriate under this Act any land in the Town of Antioch, except sufficient upon which to lay down the track, or on which to construct said road.

Sec. 2. For the purpose of constructing such tramroad or railroad, there are hereby given, granted and conferred to and

Laws made applicable. upon the said Shattuck, Hillegass, Haste, Kirke, their associates or assigns, all the powers, rights, and privileges, given, granted, or conferred to or upon railroad corporations by the first eight subdivisions of section numbered seventeen, (17,) and by sections numbered eighteen, (18,) nineteen, (19,) twenty, (20,) twenty-two, (22,) twenty-three, (23,) twenty-four, (24,) twenty-five, (25,) twenty-six, (26,) twenty-seven, (27,) twenty-eight, (28,) twenty-nine, (29,) thirty, (30,) thirty-one, (31,) thirty-two, (32,) thirty-three, (33,) thirty-four, (34,) thirty-five, (35,) thirty-six, (36,) thirty-seven, (37,) thirty-eight, (38,) thirty-nine, (39,) forty, (40,) forty-one, (41,) forty-two, (42,) forty-three, (43,) forty-four, (44,) forty-five, (45,) forty-six, (46,) fifty-one, (51,) fifty-two, (52,) and fifty-three, (53,) and fifty-five, (55,) of an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, and the Acts since passed amendatory of said sections, and by section numbered two, (2,) of an Act entitled an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one; approved May sixth, eighteen hundred and sixty-two, so far as the provisions of said sections are applicable.

Motive power. SEC. 3. Said Shattuck, Hillegass, Haste, Kirke, their associates or assigns, as motive power on said tramroad or railroad, may employ steam, animals, or any mechanical power, or any combination of them.

Duration, and forfeiture of franchise. SEC. 4. The franchise herein granted shall continue for the term of twenty-five years, and the same shall be forfeited unless said Shattuck, Hillegass, Haste, Kirke, their associates or assigns, shall commence said tramroad or railroad within one year, and complete the same within three years after the passage of this Act.

CHAP. DXXV.—*An Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise with adverse claimants to certain lots.*

[Approved April 2, 1866.]

Preamble.

WHEREAS, pursuant to the provisions of section twelve of an Act entitled an Act to authorize the funding of the floating debt of the City of San Francisco, and to provide for the payment of the same, passed May first, in the year eighteen hundred and fifty-one, certain real estate formerly held by the Town or City of San Francisco was conveyed by the Commissioners of the Sinking Fund mentioned in said section of said Act, to the Commissioners of the Funded Debt of said City of San Francisco; and whereas, it is alleged that certain lots or parcels of said real estate have never been sold, leased, dedicated, reserved, or conveyed by the said Commissioners of the Funded Debt, but

are held or claimed adversely by persons who have purchased the same in good faith and for a valuable consideration; therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The said Commissioners of the Funded Debt of the City of San Francisco, or a majority of them, are hereby authorized and empowered, by and with the consent of the Board of Supervisors, to sell at either public or private sale, and convey by deeds properly executed under their hands and seals, any lot or lots described in the conveyance by the Commissioners of the Sinking Fund to the said Commissioners of the Funded Debt, to any person or persons claiming the same, or claiming a title thereto by purchase for a valuable consideration, or by a devise or descent; *provided*, that no such sale or conveyance shall be made for a sum less than fifteen per cent of the assessed value of the property so sold or conveyed.

SEC. 2. Any sale and conveyance made in pursuance of the authority herein conferred, shall transfer to the grantee or grantees all the rights of said Commissioners of the Funded Debt and of said City and County of San Francisco, but shall not impair the rights of persons who claim any portion of said property adversely to said City and County of San Francisco; and nothing in this Act shall be construed to authorize the sale or conveyance of any real estate except that described in the conveyance above referred to as made by the Commissioners of the Sinking Fund to the Commissioners of the Funded Debt.

CHAP. DXXVI.—*An Act authorizing a change of the route of the North Beach and Mission Railroad Company.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The street railroad company known by the name of the North Beach and Mission Railroad Company, is hereby authorized to change the route of its railroad in the City and County of San Francisco, and to construct and lay down a railway track or tracks, and run horse cars thereon, as follows: on and through Powell street from Union street to Greenwich street, thence through Greenwich street to Mason street, and thence as authorized by law; and the right of way over and upon said route as herein changed is granted to said company, with all the rights and privileges and subject to the same restrictions and obligations as if such change of route had been a part of the original grant to said company, or the parties under whom it holds; *provided*, nothing herein contained shall authorize said company to obstruct the track or right of way of any other street railroad constructed, or authorized to be constructed, by *Change of route.* *Proviso.*

authority of law; and, *provided*, further, any other railroad company or individual hereafter authorized to construct a railroad on the portions of Powell and Greenwich streets constituting such change of route, may connect with and have the right of way over the rails and road, without obstructing the same on such change of route, upon paying one half the original costs thereof, and one half the expense of maintaining the same in repair.

SEC. 2. This Act shall take effect immediately.

CHAP. DXXVII.—*An Act relative to the duties and compensation of the Clerk of the Supreme Court.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary. SECTION 1. The Clerk of the Supreme Court shall receive a salary of four thousand dollars per annum, payable quarterly out of the State Treasury, which shall be in full compensation for all official services required by law to be performed by him; and he is forbidden to charge or receive for or to his own use any fee, reward, or compensation other than his salary aforesaid for any such official services, or for any services whatever relating to suits or business in the Supreme Court.

Prohibition. **Fees in appeals payable in gold coin.** SECTION 2. In all cases hereafter appealed to the Supreme Court, the fees of the Clerk shall be twenty dollars in each case, which shall be in full for all services to be rendered by said Clerk from and including the filing of the transcript to and including the issuing of the remittitur to the Court below, and shall be for the use of the State Treasury, and shall be collected by the said Clerk in gold coin, and in all cases be payable and may be exacted in advance, and before the corresponding service is rendered.

Clerk responsible for fees. SECTION 3. The Clerk, from and after the time that this Act takes effect, shall be responsible and shall account for, and in his settlements with the Controller shall be charged with the full amount of all fees collected or chargeable and accruing in causes brought into said Court for services rendered therein up to the time of each settlement, and shall, every week, pay the same into the State Treasury; he shall also, at the end of every quarter, render to the Controller of State, in such form as that officer shall prescribe, an account in detail, under his own oath, of all fees chargeable and accruing in causes brought into said Court, and not included in his previous accounts rendered. The Clerk's salary shall not be allowed or paid until all fees so accruing, and for which he is chargeable as aforesaid, shall have been duly accounted for and paid over.

Bond. SECTION 4. The Clerk of the Supreme Court shall give bond in the sum of twenty thousand dollars, payable to the State of California, with two or more sufficient sureties, conditioned for

the faithful performance of his duties, and for the rendition of just and true accounts, and the payment over into the State Treasury, as hereinbefore required, of all fees and moneys by him collected which by law ought to be so accounted for and paid over; which bond shall be approved by the same officers and in the same manner as the official bond of said Clerk is now by law required to be.

SEC. 5. This Act shall take effect and be in force from and after the expiration of the present term of office of the Clerk of the Supreme Court.

CHAP. DXXVIII.—*An Act making the County Treasurer of San Joaquin County ex officio Tax Collector.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Treasurer of the County of San Joaquin shall be ex officio Tax Collector of said county, and said Treasurer, before entering upon his duties as ex officio Tax Collector, shall enter into and duly file, in such penal sum as the Board of Supervisors of San Joaquin County may require, a new official bond for the faithful performance of his duties as Tax Collector, and take an official oath for the true and faithful performance of the duties of the same, and all duties and liabilities at present imposed upon the Sheriff as ex officio Tax Collector shall devolve upon the Treasurer as ex officio Tax Collector. It shall not be necessary for the Tax Collector to make a demand for taxes, but it is hereby made the duty of the taxpayers of said county to pay their taxes at the Court House to the Tax Collector. All general laws relating to Sheriffs as Tax Collectors shall apply to and govern the Tax Collector herein named, except where such general laws are inconsistent with the provisions of this Act.

SEC. 2. The Treasurer as ex officio Tax Collector shall receive percentages the percentage now allowed by law for collecting State and county taxes, and shall pay the whole amount of the same into the County Treasury for the use and benefit of the county, except the percentage on poll taxes, license taxes, and foreign miners' license tax, which he shall receive for his own use; provided, that as County Treasurer he shall receive three per cent on all moneys received and disbursed by him; but nothing in this Act shall be so construed as to allow him percentage on both receiving and disbursing.

SEC. 3. All Acts and parts of Acts which are in conflict with the provisions of this Act, so far as they relate to the County of San Joaquin, are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after the first Monday of March, one thousand eight hundred and sixty-seven.

CHAP. DXXIX.—An Act to authorize the County Treasurer of the County of Contra Costa to collect the State and county taxes in said county.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Treasurer to collect taxes.

SECTION 1. The County Treasurer of the County of Contra Costa is hereby authorized and required to collect, receive, and receipt for all State and county taxes levied and collected in said county upon real and personal property, and also all delinquent poll taxes; and all laws relating to the collection of State and county taxes levied upon real and personal property, and delinquent poll taxes in said county, governing the Sheriff as Tax Collector of such taxes, shall be applicable to the Treasurer as Tax Collector, except that he shall not be required to accompany the Assessor for the collection of personal and poll taxes.

Taxes payable at office of Treasurer.

SEC. 2. All real and personal property and poll taxes due on return of the assessment roll to the Tax Collector, shall be payable at the office of the Treasurer and ex-officio Tax Collector in and for the County of Contra Costa; *provided*, that nothing herein shall be construed to affect the existing provisions of law for the collection of license and poll taxes not delinquent.

Fees and percentage.

SEC. 3. The fees now allowed by law to the Sheriff as Tax Collector for the collection of taxes on real and personal property, shall be paid into the County Treasury on the first Monday in each month, after deducting one per cent upon the amount of all taxes collected, which percentage shall be retained as collection fees by the Treasurer, and shall be the sole compensation for his services as Tax Collector; and the County Treasurer shall be holden on his official bond for any act or omission in violation of law while acting in the capacity of Tax Collector.

Takes effect March, 1868.

SEC. 4. This Act shall take effect and be in force on and after the first Monday of March, A. D. eighteen hundred and sixty-eight, and no Acts or parts of Acts shall be construed in conflict of this Act so far as relates to the collection of State and county taxes in the County of Contra Costa.

CHAP. DXXX.—An Act to provide for the construction of a wagon and turnpike road from the City of Los Angeles to the Clear Creek Mines, in Tulare County.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise.

SECTION 1. J. B. Winston and I. I. Tomlinson, and their associates and assigns, are hereby authorized to construct and

maintain a wagon road from the City of Los Angeles to the Clear Creek Mines, in the County of Tulare.

Sec. 2. Said grantees shall have the right of way over and along the route of said road, and shall have all the rights to enter upon and occupy any private lands necessary to the location thereof, and to take and use any timber, rock, earth, or other material necessary to the construction or repair thereof, which are conferred upon railroad companies by an Act providing for the incorporation of railroad companies, approved May twentieth, A. D. eighteen hundred and sixty-one.

Sec. 3. Said grantees shall have the right for the period of two years after the completion of said road (after which time the said road shall be free) to collect tolls at the rates as herein provided:

For a team of twelve animals, two dollars and fifty cents; Tolls.

For a team of ten animals, two dollars and twenty-five cents;

For a team of eight animals, two dollars;

For a team of six animals, one dollar and fifty cents;

For a team of four animals, one dollar;

For a team of two animals, seventy-five cents;

For a horse and man, twenty-five cents;

For loose cattle, five cents per head;

For sheep, two cents each;

And for pack animals, twenty-five cents each;

Provided, that on or before August first, eighteen hundred and sixty-seven, the said road shall be completed; and, *provided*, further, that no toll gate shall be erected on said road north of the southern extremity of Walker's Basin.

Sec. 4. This Act shall take effect on and after its passage.

**CHAP. DXXXI.—An Act to amend section three of an Act entitled
an Act for the better protection of the Treasury, approved April
sixteenth, eighteen hundred and fifty-six.**

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

Section 3. The Controller shall be authorized to draw his warrants on the Treasurer for the salaries of officers, when there are appropriations made therefor, in the manner now provided for by law, but in all other cases previous to drawing his warrants in liquidation of any claim or demand whatever, the said claim or demand must have indorsed thereon the previous approval of the said Board of Examiners, who shall hold semi-monthly sessions for the purpose of auditing and approving legal claims, the payment whereof has been provided for by appropriation by the Legislature, and in case of any claim which is required to be certified to by either of the Examiners named in

Payment
and allow-
ance of
claims.

section one, the officer so certifying shall be disqualified to act as an Examiner on the consideration of such claim or claims, and in case of such disqualification, the State Treasurer shall act as an Examiner in place of the member of the Board having certified the claim or claims submitted for examination and approval.

CHAP. DXXXII.—*An Act to grant the right to construct and maintain a toll bridge across Feather River, near Oroville, in Butte County, to certain parties therein named.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Randal Rice, J. C. Mandeville, George Wood, J. E. N. Lewis, J. M. Brock, D. N. Freisleben, George C. Perkins, F. W. Day, A. G. Simpson, and their associates, shall take, have, possess, and enjoy all the rights, privileges, right of way, franchises, and immunities hereinafter mentioned, upon condition that they and their associates shall incorporate themselves under the general laws of the State regulating corporations and providing for the incorporation of bridge companies, and shall adopt the name of the "Oroville Bridge Company," and shall abide by and fulfil the further conditions hereinafter mentioned.

Rights and franchises. SEC. 2. Said company, when incorporated as aforesaid, shall have power and they are hereby authorized to build and maintain a toll bridge across Feather River, at a point selected by said company between the west side of Fifth Avenue, a street in Oroville, as laid down on the map of the Carlton Tract, and a point opposite Thompson's Flat, in Butte County, known as Lathrop's Ferry, and they shall have and enjoy all the rights, privileges, and franchises thereof, together with the right of way, which is hereby ceded, for the period of thirty years, and no other bridge or ferry, except bridges for railroad tracks, only shall be established within the points named in this section; *provided*, that said bridge shall be commenced within one year, and completed within three years from the passage of this Act; and, *provided*, further, that after the lapse of ten years from the completion of such bridge, the said County of Butte may purchase the said bridge by paying therefor the actual value of the same, to be ascertained by five appraisers, two to be selected by the owners of the bridge, two by the Board of Supervisors of the County of Butte, and one by the four persons thus selected; and, *provided*, further, that whenever said bridge may be so purchased, the right to collect tolls thereon shall cease.

Commencement, and completion. SEC. 3. Said bridge shall be constructed in a good and substantial manner, of the best and most durable materials, and above high water mark, and said company shall keep the same in good repair.

Tolls. SEC. 4. Upon the completion of said bridge said company may charge and collect such rates of toll as may be annually

determined by the Board of Supervisors of the County of Butte under the laws of the State; but such tolls shall not be fixed at rates that will not yield twenty per cent on the actual costs of the construction of said bridge and the lands and appurtenances appertaining thereto; and may, moreover, regulate the speed of riding or driving upon said bridge, and may prohibit any person to ride or drive upon said bridge at a faster gait than a walk, and for each violation of this rule so established may recover judgment for nominal damages besides the actual damages, in any Court of competent jurisdiction in said County of Butte; *provided*, that at each end of said bridge said company shall keep a sign board on which said regulations and also the rates of toll shall be distinctly written, printed, or painted.

SEC. 5. This Act shall not be so construed as to prevent the ^{Ferry license} Board of Supervisors of Butte County from granting renewal of license to any ferries now licensed across said river.

SEC. 6. Said company is hereby authorized and empowered ^{Roads, toll houses, etc.} to locate such road or roads to and from said bridge as the public convenience may require, and to hold and own, by purchase or otherwise, such lands as may be necessary for the site, approaches, and toll house of said bridge as said company may deem necessary for its purposes under this Act, and for the purpose of selecting, holding, acquiring, or owning such lands or right of way for said road or roads under this Act. The provisions of an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, and the Acts amendatory thereof, so far as the same are applicable, shall apply to this Act. ^{Act made applicable.}

SEC. 7. Should any of the persons hereinbefore named in section one, or their assigns, refuse, neglect, or omit for the space of thirty days from the passage of this Act to unite with the others in incorporating as required by this Act, the rights and privileges enumerated in this Act shall be deemed to have been made to the balance of said persons, and such persons and their associates may incorporate, and such company when incorporated shall have and are hereby granted and invested with said franchises and all rights and privileges that it would have had had it been incorporated by all of the parties named in said section.

SEC. 8. That said company, to carry out the object and purposes of this Act, may by the unanimous vote of its Trustees mortgage its property, franchises, and rights granted by this Act to secure the payment of the cost of said bridge and its appurtenances or the payment of such sum or sums of money as said Board may deem necessary to carry out the purposes of this Act, and in the event of the foreclosure and sale of any such mortgage the purchaser or purchasers thereof at such sale shall be and are hereby vested with all the rights and privileges granted to said company; but said property and franchises so sold shall be subject to redemption as other real estate. ^{Right to mortgage.}

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAP. DXXXIII.—*An Act to regulate fees in office in the County of Siskiyou.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fees.

SECTION 1. Such fees are allowed to the officers hereinafter named, in the County of Siskiyou, for their services rendered in discharging the duties imposed on them by law, as herein provided, and such officers may lawfully charge, demand, and receive the same.

FEES OF THE CLERK OF THE DISTRICT COURT.

Of Clerk of
District
Court.

SEC. 2. For entering each suit on the Clerk's Register of Actions, and making the necessary entries therein during the progress of the trial, for each folio, twenty cents.

For issuing every writ or process under seal, one dollar.

For issuing subpœna to each witness, fifteen cents.

For filing such paper, twenty cents.

For entering every motion, rule, order, or default, twenty cents.

For entering every discontinuance, dismissal, or nonsuit, twenty-five cents.

For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, fifty cents.

For calling and swearing every jury, fifty cents.

For receiving and entering each verdict of a jury, fifty cents.

For entering every final judgment, for the first folio, one dollar; for each subsequent folio, twenty cents.

For filing judgment roll, twenty-five cents.

For entering judgment on judgment docket, forty cents.

For entering satisfaction of judgment, fifty cents.

For administering every oath or affirmation, twenty cents.

For certifying every oath or affirmation, twenty cents.

For copy of any proceeding, record, or paper, for each folio, twenty cents.

For every certificate under seal, fifty cents.

For searching the files of each year in his office, (but not to charge suitors or attorneys,) one dollar.

For issuing every commission to take testimony, one dollar.

For taking down testimony of witnesses during trial, for each folio, twenty cents.

For issuing every execution, or other final process, seventy-five cents.

For issuing every decree, or order of sale of mortgaged property, one dollar.

For issuing writ of injunction or attachment, one dollar.

For entering judgment by confession, the same fees as in other cases of entering judgment.

For receiving and filing every remittitir from Supreme Court and accompanying documents, one dollar.

For taking each bond required by law, one dollar.

For taking justification thereto, fifty cents.

For acknowledgment of deed or other instrument, including all writing and the seal, for each name thereto, one dollar.

When the Court is sitting as a Court of criminal jurisdiction, he shall receive for the trial of each issue when the charge is felony, five dollars. For the trial of each issue when the charge is misdemeanor, three dollars. He shall receive no other fee for any service whatever in a criminal action or proceeding, except for copies of papers, for each folio, twenty cents.

FEES OF CLERK OF THE COUNTY COURT.

SEC. 3. For filing all the papers sent on appeal from Justices' County Court Courts, in each case, one dollar.

For all other services the same fees as are allowed in the District Court for similar services.

FEES OF CLERK OF PROBATE COURT.

SEC. 4. For issuing letters testamentary or of administration, Probate Court. one dollar.

For certificate of appointing appraisers or guardians, fifty cents.

For writing and posting notices when required, for each copy, fifty cents.

For notice given by publication, in addition to the cost of publication, fifty cents.

For recording wills, per folio, twenty cents.

For all other services, the same as is allowed the Clerk of the District Court for similar services.

FEES OF COUNTY RECORDER.

SEC. 5. For recording any instrument, paper, or notice, when required, for each folio, twenty cents. Fees of County Recorder.

For copies of any record or paper, per folio, twenty cents.

For filing or receiving every instrument for record and making the necessary entries therein, twenty-five cents.

For making in the several indexes required all the entries required of the filing and recording any instrument, paper, or notice, for every such instrument, paper, or notice, twenty-five cents.

For every certificate, under seal, to copies of papers or records in his office, when required, fifty cents.

For entry of discharge of mortgage on margin of record, twenty-five cents.

For searching records and files of each year in his office, when required, fifty cents.

For abstract or certificate of title, when required, for each conveyance or encumbrance certified, fifty cents.

For recording every town plat, for every course, twenty-five cents.

For figures and lettering plats and maps, per folio, twenty cents.

For taking and writing acknowledgments, including seal, for each signature, one dollar.

For filing and entering a minute of certificate of Sheriff's sale, twenty-five cents.

For filing and entering a minute of tax sale, twenty-five cents.

For recording marriage certificate, fifty cents.

For filing and keeping each paper not required to be recorded, and indorsing same if required, twenty-five cents.

Fees of Sheriff.

Of Sheriff. SEC. 6. For serving a summons and complaint, or any other process by which action or proceeding is commenced, on every defendant, one dollar.

For travelling in making such service, per mile, in going only, to be computed in all cases from the Court House of the county, thirty cents; *provided*, that if any two or more papers required to be served in the same suit, at the same time, one mileage only shall be charged.

For taking bond or undertaking in any case in which he is authorized to take the same, one dollar.

For copy of any writ, process, or other paper when demanded or required by law, for each folio, twenty cents.

For serving every notice, rule, or order, one dollar.

For serving a subpoena, for each witness summoned, thirty cents.

For travelling, per mile, in serving each subpoena or venire, in going only, but when two or more witnesses or jurors live in the same direction, travelling fees shall be charged only for the most distant, thirty cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, and with travelling fees as on a summons, two dollars.

For serving an attachment upon any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, four dollars.

For making and posting notices, and advertising property for sale on execution, or under any judgment, or order of sale, not to include the cost of publication in newspaper, three dollars.

For commissions for receiving and paying over money on execution or process, when lands or personal property has been levied on, advertised, and sold, on the first one thousand dollars, two per cent; on all sums above that amount, one and a half per cent.

For commissions for receiving and paying over money on executions without levy, or when the lands or goods levied on shall not be sold, one and one half per cent on the first one thousand dollars, and one per cent on all over that sum.

The fees herein allowed for the levy of an execution, and for advertising, and for making or collecting the money on an execution, shall be collected from the defendant by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing every Sheriff's deed, to be paid for fees of by the grantee, who shall in addition pay for the acknowledgement thereof, three dollars.

For serving a writ of possession, or restitution, putting any person entitled into possession of premises and removing the occupant, three dollars.

For travel in the service of any process not hereinbefore mentioned, for each mile necessarily travelled, in going only, thirty cents.

For attending when required on any Court in person or by deputy, for each day, to be paid out of the County Treasury, three dollars.

For bringing up a prisoner on habeas corpus to testify or answer in any Court, or for examination as to the cause of his arrest and detention, or to give bail, two dollars.

He shall also be allowed such further compensation for his trouble and expense in taking possession of property under attachment or execution or other process, and of preserving the same, as the Court from which the writ or order may issue shall certify to be just and reasonable.

For holding each inquest or trial of right of property, when required, to include all service in the matter except mileage, four dollars.

For attending on Supreme Court, either in person or by deputy, to be paid out of the State Treasury as other claims, for each day, five dollars.

For making every arrest in a criminal proceeding, three dollars.

For serving each subpoena in criminal proceedings, twenty-five cents.

For executing every sentence of death, fifty dollars.

For summoning a grand jury of twenty-four, twelve dollars and fifty cents.

For summoning each trial jury of twelve persons, six dollars.

For each additional juror, fifty cents.

For service of any process in criminal cases, for each mile necessarily travelled, twenty cents; and the same mileage for taking prisoners before a Magistrate, or to prison. In serving subpoenas or venires in criminal cases, he shall receive mileage for the most distant only, where witnesses or jurors live in the same direction.

For all services in Justices' Courts, the same fees allowed to Constables.

FEES OF CORONER.

SEC. 7. All services in summoning jury of inquest, three dollars.

For swearing a jury, fifty cents.

For issuing a warrant of arrest, one dollar.

For issuing subpoena for each witness, twenty-five cents.

For each mile necessarily travelled in going to the place of the dead body, thirty cents, which fees in all inquests shall be paid out of the funds of the deceased, if any; if not, from the County Treasury, as other demands.

For all services rendered by them when acting as Sheriffs, the same fees as are allowed to Sheriffs for similar services.

For swearing each witness, twenty cents.

For taking down the testimony of each witness, per folio, twenty cents.

FEES OF CONSTABLES.

Of Constable. SEC. 8. For serving summons in civil suit, for each defendant, one dollar.

For summoning a jury before a Justice of the Peace, two dollars.

For taking a bond required to be taken, one dollar.

For summoning each witness, twenty-five cents.

For serving an attachment against the property of a defendant, two dollars.

For summoning and swearing a jury to try the rights of property, and taking the verdict, four dollars.

For receiving and taking care of property on execution, attachment, or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the Constable that such charges are correct, and the expenses necessarily incurred.

For collecting all sums on execution, two per cent, to be charged against the defendant in the execution.

Constables shall receive in serving summons, attachment, order, execution, venire, notice, and subpoena in civil cases, for each mile necessarily travelled, in going only, (but when two or more persons are served in the same suit mileage shall only be charged for the most distant, if they live in the same direction,) thirty cents.

For serving a warrant or order for delivery of personal property, or making an arrest, in civil cases, two dollars.

For service and travel in criminal cases, the same fees as Sheriffs for like services.

For keeping prisoner the Constable shall be allowed such reasonable compensation, not exceeding four dollars per day, as the Justice before whom the case is tried shall certify to be just and reasonable.

For all other service, except attending Court, the same fees as are allowed to Sheriffs for similar services.

FEES OF COUNTY AUDITOR.

Of County Auditor. SEC. 9. For making duplicate of taxes, or copies thereof required, per folio, twenty cents.

For filing Treasurer's receipt, and issuing license, to be paid by the party, fifty cents.

FEES OF JUSTICES OF THE PEACE.

Justices of the Peace. SEC. 10. For filing each paper, fifteen cents.

Issuing any writ or process, by which suit is commenced, one dollar.

For entering such cause upon his docket, fifty cents.

For subpoena to each witness, fifteen cents.

Fees of
Justices of
the Peace..

- For administering an oath or affirmation, fifteen cents.
- For certifying the same, fifty cents.
- For each certificate, fifty cents.
- For issuing writ of attachment, or of arrest, or for delivery of property, one dollar.
- For entering any final judgment, per folio, for the first folio, fifty cents; for each additional folio, twenty cents.
- For taking and approving any bond or undertaking directed by law to be taken or approved by him, one dollar.
- For taking justification to a bond, fifty cents.
- For swearing a jury, fifty cents.
- For taking depositions, per folio, twenty cents.
- For entering satisfaction of a judgment, twenty-five cents.
- For copy of a judgment, order, docket, proceedings, or paper, in his office, for each folio, twenty cents.
- For transcript of judgment, per folio, twenty cents.
- For issuing commission to take testimony, fifty cents.
- For issuing supersedeas to an execution, twenty-five cents.
- For making up and transmitting transcript and papers on appeal, two dollars.
- For issuing search warrant, one dollar.
- For issuing an execution, fifty cents.
- For celebrating marriage, and returning certificate to the Recorder, five dollars.
- For all service and proceedings before a Justice of the Peace, in a criminal action or proceeding, whether on examination or trial, four dollars.
- For taking bail, after commitment, in criminal cases, one dollar.
- For entering cause without process, one dollar.
- For entering judgment by confession, and only on affidavit, as required in the District Court, three dollars.
- For entering every motion, rule, order, verdict, or default, fifteen cents.

FEES OF WITNESSES.

SEC. 11. For attending in any civil suit or proceeding before ~~of witnesses~~ any Court of record, referee, Commissioner, or Justice of the Peace, for each day, two dollars.

For travelling to the place of trial, for each mile necessarily travelled, in going only, twenty-five cents.

No person shall be obliged to testify in a civil action, unless his or her fees for attendance have been tendered them, or shall they not have demanded the same, and no person shall be obliged to attend in a civil action or proceeding as a witness, without the county in which they reside, unless the distance be less than thirty miles from their place of residence to the place of trial.

FEES OF JURORS.

SEC. 12. For each day, to be paid in civil cases by the party ~~of jurors~~ in whose favor verdict is rendered before the same shall be entered, but the same may be recovered as costs from the party losing the case, two dollars; *provided*, that in the District Court, or County Court, the Clerk shall keep an account of all moneys

received for trials by each juror during the term, and if the sum so received by such juror shall not amount to two dollars per day, he shall deliver to such juror a certificate of the time for which he is still entitled to receive pay, which shall be paid out of the County Treasury as other county dues. If, in any trial in a civil case, before any Court, the jury be from any cause discharged without finding a verdict, the fees of the jury shall be paid by the plaintiff, but may be recovered back as costs if he afterwards obtain judgment; until they are paid, no further proceedings shall be allowed in the action. No person shall receive any compensation for serving as a juror on a Coroner's Jury.

Grand Jurors shall receive, for each day's service, two dollars, to be audited and paid out of the County Treasury as other charges against the county; and mileage, in going only, thirty cents for each mile necessarily travelled.

FEES OF JUDGES AND CLERKS OF ELECTION.

Of officers
of election. SEC. 13. For each day's attendance at any general or special election, the Inspector, Judges, and Clerks shall each receive three dollars, (to be audited and paid out of the County Treasury, as other charges against the county.)

FEES OF INTERPRETERS AND TRANSLATORS.

Interpreters
and trans-
lators. SEC. 14. Interpreters and Translators may be allowed such compensation for their services as the Court shall certify to be necessary, to be taxed and collected as other costs, but the same shall not exceed three dollars per day.

FEES OF COUNTY SURVEYOR.

Fees of
County
Surveyor. SEC. 15. For the first mile actually run with the compass and chain, three dollars; for each succeeding mile, two dollars.

For each mile run with the compass alone, one dollar and fifty cents.

For each copy of a plat, and certificate, two dollars.

For each lot laid out and platted in any city or town, two dollars.

For recording a survey, one dollar.

For calculating the quantity of every tract of land not divided, fifty cents.

For calculating the quantity of each division made in a tract of land, (town lots excepted,) fifty cents.

For travelling to the place of survey, for each mile, in going only, thirty cents.

For ascertaining the location of every town lot in an old survey, and measuring and marking the same, one dollar and fifty cents.

For copies and certificates, per folio, twenty cents.

For erecting a monument at the corner of any survey, when required, one dollar and fifty cents; expenses of assistants shall be an additional charge, to be agreed upon by the parties,

FEES OF PROBATE JUDGE.

SEC. 16. For every order or judgment, when not contested, Probate Judge.
fifty cents; when contested, one dollar and fifty cents.

SEC. 17. The fees allowed for services rendered by the County Judge shall be collected by the County Clerk, who shall keep a full and accurate account of the same in a book kept separate and apart for that purpose. The County Clerk shall make a settlement at least once a month with the County Treasurer of the fees collected, and pay the amount in his hands into the County Treasury. His accounts shall always be open to inspection by any county officers or any persons who may be interested therein. The County Treasurer, in a book kept specially for that purpose, shall keep a full account of all moneys thus received, which shall constitute a separate and distinct fund, and so much thereof as may be necessary for that purpose shall be applied to the payment of the salary of the County Judge, and the residue, if any, shall be paid into the County Treasury, and it shall be a misdemeanor for a Probate Judge to receive any fees to his own use except in such manner as is prescribed in this section.

SEC. 18. The fees allowed as provided in this Act shall be payable at the time the service is rendered, and any officer, when it is not otherwise expressly provided by law, may refuse to perform any service in any suit or proceeding in which there are any fees due in the same suit or proceeding (criminal proceedings excepted) from the person applying, until such fees are paid.

SEC. 19. This Act shall take effect and be in force as to the office of Justice of the Peace and Constables on the first Monday of January, eighteen hundred and sixty-eight, and as to all other offices named in this Act the same shall take effect and be in force from and after the first Monday of March, A. D. eighteen hundred and sixty-eight; and all Acts and parts of Acts in conflict with this Act are repealed; provided, that the present law regulating fees of officers in the County of Siskiyou shall be in force until this Act shall take effect.

CHAP. DXXXIV.—*An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.*

[Approved April 2, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-eight of said Act is hereby amended so as to read as follows:

Section 38. The pleadings on the part of the plaintiff shall be pleadings. the complaint or demurrer to the defendant's answer; the pleadings on the part of the defendant to the original complaint or

cross complaint of a co-defendant shall be the demurrer or answer. When a defendant is entitled to relief as against the plaintiff alone, or against the plaintiff and a co-defendant, he may make a separate statement in his answer of the necessary facts, with a prayer for the relief sought, instead of bringing a distinct cross action. All pleadings subsequent to the original complaint shall be filed with the Clerk, and a copy thereof served on the adverse party or his attorney, if the adverse party or his attorney live within the county where the action is pending; *provided*, that when the answer contains a cross complaint, the parties plaintiff or defendant, or his or their attorney thereto, shall be served with a copy thereof, and shall have the same time thereafter to plead thereto that is allowed for pleading to the original complaint after service of the summons.

SEC. 2. Section forty-six of said Act is hereby amended so as to read as follows:

Section 46. The answer of the defendant shall contain:

What answer shall contain

First—If the complaint be verified, a specific denial to each allegation of the complaint controverted by the defendant, or a denial thereof according to his information and belief; if the complaint be not verified, then a general denial to each of said allegations, but a general denial shall only put in issue the material and express allegations of the complaint.

Second—A statement of matter in avoidance, a counter claim constituting a defence, or the subject matter of cross complaint which may entitle a defendant to relief against the plaintiff alone, or against the plaintiff and a co-defendant.

SEC. 3. Section fifty of said Act is hereby amended so as to read as follows:

Answer, or demurrer to answer.

Section 50. When the answer contains matter in avoidance, or a counter claim, the plaintiff may, within the number of days in which the defendant is by the summons required to answer, to be computed from the time of the service of a copy of such answer, demur to the same for insufficiency, stating therein the grounds of such demurrer; and when the answer contains a cross complaint, the parties against whom relief is therein demanded may demur or answer thereto within the like period. Sham and irrelevant answers and defences, and so much of any pleading as may be irrelevant, redundant, or immaterial, may be stricken out, upon motion, upon such terms as the Court in its discretion may impose.

SEC. 4. Section fifty-four of said Act is hereby amended so as to read as follows:

Defence founded on written instrument.

Section 54. When the defence to an action is founded on a written instrument, and a copy thereof is contained in the answer, or is annexed thereto, the genuineness and due execution of such instrument shall be deemed admitted unless the plaintiff file with the Clerk, five days before the commencement of the term at which the action is to be tried, an affidavit denying the same; *provided*, that the due execution of the instrument shall not be deemed to be admitted by a failure to controvert the same on oath, as prescribed in this and the last preceding section, unless the party controverting the same is, upon demand, permitted to inspect the original before filing such answer.

SEC. 5. Section sixty-five of said Act is hereby amended so as to read as follows:

Section 65. Every material allegation of the complaint or cross complaint not controverted by the answer thereto, shall for the purposes of the action be taken as true; the statement of matters in avoidance shall on the trial be deemed controverted by the adverse party.

SEC. 6. Section sixty-seven of said Act is hereby amended so as to read as follows:

Section 67. After demurrer, and before the trial of the issue of law thereon, the pleadings demurred to may be amended as of course and without costs by filing the same as amended and serving a copy thereof on the adverse party or his attorney within ten days, who shall have ten days thereafter in which to demur or answer thereto; but a party shall not so amend more than once. A demurrer shall not be deemed waived by the filing of an answer at the same time of filing the demurrer; and when the demurrer to a complaint is overruled, and there is no answer filed, the Court may upon terms allow an answer to be filed. If a demurrer to the answer be overruled, the facts alleged in the answer shall be considered as denied to the extent mentioned in section sixty-five. Where circumstances occurring subsequently to the commencement of the action render it proper, the same may be presented by supplemental pleadings and issue taken thereon in the same manner as in the case of original pleadings.

SEC. 7. Section one hundred and seventeen of said Act is hereby amended so as to read as follows:

Section 117. An injunction to suspend the general and ordinary business of a corporation shall not be granted except by the Court or a Judge thereof; nor shall it be granted without due notice of the application therefor to the proper officers or managing agent of the corporation, except when the people of this State are a party to the proceeding.

SEC. 8. Section two hundred and twelve of said Act is hereby amended so as to read as follows:

Section 212. The execution may be made returnable, at any time not less than ten nor more than sixty days after its receipt by the Sheriff, to the Clerk with whom the judgment roll is filed; when the execution shall have been returned, it shall be the duty of the Clerk to attach the same to the judgment roll. If any real estate be levied upon the Clerk shall record the execution and the return thereto at large, and certify the same under his hand as true copies, in a book to be called the "Execution Book," which book shall be indexed with the names of the plaintiffs and defendants in execution alphabetically arranged, and kept open at all times during office hours for the inspection of the public, without charge; and shall be evidence of the contents of the originals whenever they or any part thereof may be destroyed, lost, or mutilated.

SEC. 9. Section two hundred and thirteen of said Act is hereby amended so as to read as follows:

Section 213. Where the judgment requires the payment of money or the delivery of real or personal property, the same may be enforced by a writ of execution; when it requires the

performance of any other act, a certified copy of the judgment may be served upon the party against whom the same is rendered, or upon the person or officer required thereby or by law to obey the same; obedience thereto may be enforced by the Court; and after a final judgment of partition the Court shall have power to enforce a severance of the possession.

SEC. 10. Section two hundred and fourteen of said Act is hereby amended so as to read as follows:

Section 214. In all cases other than for the recovery of money, the judgment may be enforced or carried into execution after the lapse of five years from the date of its entry, by leave of the Court, upon motion, or by judgment for that purpose founded on supplemental pleadings.

SEC. 11. Section two hundred and forty-six is hereby amended so as to read as follows:

Action for debt or on mortgage.

Section 246. There shall be but one action for the recovery of any debt or the enforcement of any right secured by mortgage upon real estate or personal property, which action shall be in accordance with the provisions of this chapter. In actions for the foreclosure of mortgages the Court shall have power, by its judgment, to direct a sale of the encumbered property, (or so much thereof as may be necessary,) and the application of the proceeds of the sale to the payment of the costs of the Court and expenses of the sale, and the amount due to the plaintiff; and if it appear from the Sheriff's return that the proceeds are insufficient, and a balance still remains due, judgment shall then be docketed for such balance against the defendant or defendants personally liable for the debt, and shall then become a lien on the real estate of such judgment debtor as in other cases on which execution may be issued. No person holding a conveyance from or under the mortgagor of the property mortgaged, or having a lien thereon, which conveyance or lien does not appear of record in the proper office at the time of the commencement of the action, need be made a party to such action; and the judgment therein rendered and the proceedings therein had shall be as conclusive against the party holding such unrecorded conveyance or lien as if he had been made a party to said action, and shall in all respects have the same force and effect.

Holder of unrecorded conveyance or lien need not be made a party.

SEC. 12. Section two hundred and sixty-four of said Act is hereby amended so as to read as follows:

Partition of property.

Section 264. When several co-tenants hold and are in possession of real property as parcelers, joint tenants, or tenants in common, in which one or more of them have an estate of inheritance, or for life or lives, or for years, an action may be brought by one or more of such persons for a partition thereof according to the respective rights of the persons interested therein, and for a sale of such property, or a part thereof, if it appear that a partition cannot be made without great prejudice to the owners.

SEC. 13. Section two hundred and sixty-six of said Act is hereby amended so as to read as follows:

Who need not be made parties.

Section 266. No person having a conveyance of or claiming a lien on the property, or some part of it, need be made a party to the action unless such conveyance or lien appear of record.

SEC. 14. Section two hundred and sixty-seven of said Act is hereby amended so as to read as follows:

Section 267. Immediately after filing the complaint in the District Court, the plaintiff shall file with the Recorder of the county or of the several counties in which the property is situated, either a copy of such complaint or a notice of the pendency of the action, containing the names of the parties so far as known, the object of the action, and a description of the property to be affected thereby. From the time of the filing it shall be deemed notice to all persons.

*Lis pendens
to be filed in
Recorder's
office.*

SEC. 15. Section two hundred and seventy of said Act is hereby amended so as to read as follows:

Section 270. The defendants who have been personally served with the summons and a copy of the complaint, or who shall have appeared without such service, shall set forth in their answers, fully and particularly, the origin, nature, and extent of their respective interests in the property; and if such defendants claim a lien on the property by mortgage, judgment, or otherwise, they shall correctly state the original amount and date of the same, and the true sum remaining due thereon; also, whether the same has been secured in any other way or not; and if secured, the nature and extent of such security, or they shall be deemed to have waived their right to such lien.

SEC. 16. Section two hundred and seventy-two of said Act is hereby revived and amended so as to read as follows:

Section 272. Whenever from any cause it shall have become, in the opinion of the Court, impracticable or highly inconvenient to make a complete partition in the first instance among all the parties in interest, it shall be lawful for the Court to first ascertain and determine the shares or interest respectively held by the original co-tenants, and thereupon to adjudge and cause a partition to be made, as if such original co-tenants were the parties and sole parties in interest and the only parties to the action, and thereafter to proceed in like manner to adjudge and make partition separately of each share or portion so ascertained and allotted, as between those claiming under the original tenant to whom the same shall have been so set apart, or allow them to remain tenants in common thereof, as they may desire.

SEC. 17. Section two hundred and seventy-six of said Act is hereby amended so as to read as follows:

Section 276. In making the partition the referees shall divide the property and allot the several portions thereof to the respective parties, quality and quantity relatively considered, according to the respective rights of the parties as determined by the Court, pursuant to the provisions of this chapter, designating the several portions by proper landmarks, and may employ a surveyor with the necessary assistants to aid them.

SEC. 18. Section two hundred and seventy-eight is hereby amended so as to read as follows:

Section 278. If no exceptions be filed to the report, or upon hearing they should be overruled, the Court shall confirm the same; or it may, upon exceptions, change, modify, or set it aside, and refer the matter to the same, or if necessary, may

*Manner of
making
partition.*

appoint new referees. Upon the report, as confirmed, a final judgment shall be rendered to the effect that such partition be effectual and valid forever, which judgment shall be binding and conclusive:

*On whom
judgment
shall be
binding and
conclusive.*

First—On all persons named in the complaint as parties to the action, or who shall have appeared therein, and their legal representatives who have at the time any interest in the property divided, or any part thereof, as owners in fee, or as tenants for life or for years, or as entitled to the reversion, remainder, or the inheritance of such property, or any part thereof, after the termination of a particular estate therein, and who by any contingency may be entitled to a beneficial interest in the property, or who have an interest in any undivided share thereof as tenants for years or for life.

Second—On all persons interested in the property who may be unknown, to whom notice shall have been given of the action by publication.

Third—On all persons claiming from such parties or persons, or either of them; and to that end the action shall be deemed and is hereby declared to be a proceeding *in rem*. A copy of the report of the referee as confirmed, together with a copy of the final judgment therein rendered, duly certified, may be filed in the office of the County Recorder of the county or counties in which the land is situated, whose duty it shall be to record the same, which filing and recording shall have the same force and effect as the filing and recording of a deed of conveyance; and,

Fourth—On all persons who have or claim to have conveyances to, liens upon, or any interest in the property, where such conveyances, liens, or interest did not appear of record at the time of the commencement of proceedings for partition.

SEC. 19. Section two hundred and eighty of said Act is hereby amended so as to read as follows:

*Fees of
referees and
surveyors.*

Section 280. The expenses of the referees, including those of a surveyor and his assistant or assistants, when employed, shall be ascertained and allowed by the Court, and the amount thereof, together with the fees allowed by the Court in its discretion to the referees, shall be apportioned among the different parties to the action, equitably.

SEC. 20. Section three hundred and four of said Act is hereby amended so as to read as follows:

*Compensa-
tion, when
equal parti-
tion cannot
be made.*

Section 304. When it appears that partition cannot be made equal between the parties, according to their respective rights, without prejudice to the rights and interests of some of them, and a partition be ordered, the Court may adjudge compensation to be made by one party to another, on account of the inequality; but such compensation shall not be required to be made to others by owners unknown, nor by an infant, unless it shall appear that such infant has personal property sufficient for that purpose, and that his interest will be promoted thereby. And in all cases the Court shall have power to make compensatory adjustment between the respective parties, according to the ordinary principles of equity.

SEC. 21. Section three hundred and thirty-six of said Act is hereby amended so as to read as follows:

Section 336. An appeal may be taken:

First—From a final judgment in an action or special proceeding commenced in the Court in which the same is rendered, within one year after the rendition of the judgment.

Second—From a judgment rendered on an appeal from an inferior Court, within ninety days after the rendition of such judgment.

Third—From an order granting or refusing a new trial; from an order granting or dissolving an injunction; from an order refusing to grant or dissolve an injunction; from an order dissolving or refusing to dissolve an attachment; from any special order made after final judgment, and from an interlocutory judgment in actions for partition of real property, within sixty days after the order or interlocutory judgment is made and entered in the minutes of the Court.

SEC. 22. Section three hundred and forty-seven of said Act is hereby amended so as to read as follows:

Section 347. An appeal may be taken to the Supreme Court Appeals from District Courts in the following cases:

from District Court to Supreme Court.

First—From a final judgment entered in an action or special proceeding commenced in those Courts or brought into those Courts from other Courts.

Second—From an order granting or refusing a new trial; from an order granting or dissolving an injunction; from an order refusing to grant or dissolve an injunction; from an order dissolving or refusing to dissolve an attachment; from any special order made after final judgment, and from such interlocutory judgment in actions for partition as determines the rights and interests of the respective parties, and directs partition to be made.

SEC. 23. Section three hundred and fifty-three of said Act is hereby amended so as to read as follows:

Section 353. Whenever an appeal is perfected as provided in the preceding sections in this chapter, it shall stay all further proceedings in the Court below upon the judgment or order appealed from, or upon the matters embraced therein; and on appeal, and filing an appeal bond on appeal from an order discharging an attachment, said attachment shall not be dissolved, but shall remain in full force until the cause be disposed of on appeal, but the Court below may proceed upon any other matter embraced in the action and not affected by the order appealed from. And the Court below may, in its discretion, dispense with or limit the security required by said sections, when the appellant is an executor, administrator, trustee, or other person acting in another's right; *provided*, that an appeal shall not continue in force an attachment, unless an undertaking be executed and filed on the part of the appellant, by at least two sureties, in double the amount of the debt claimed by him, that the appellant will pay all costs and damages which the respondent may sustain by reason of the attachment, in case the order of the Court below be sustained; and unless, also, notice of the appeal be given within five days after service of the notice of the entry of the order appealed from, and such appeal be perfected, and the undertaking in this section mentioned be filed within five days thereafter.

Appeal to stay pro-ceedings.

Attachment

Undertaking

Notice.

SEC. 24. Section three hundred and fifty-five of said Act is hereby amended so as to read as follows:

Affidavit of sureties. Section 355. An undertaking on appeal shall be of no effect unless it be accompanied by the affidavit of the sureties that they are each worth the amount specified therein over and above all their just debts and liabilities exclusive of property exempt from execution, except where the judgment exceeds three thousand dollars and the undertaking is executed by more than two sureties; they may state in their affidavit that they are severally worth amounts less than that expressed in the undertaking, if the whole amount be equivalent to that of two sufficient sureties. The adverse party, however, may except to the sufficiency of the sureties to the undertaking or undertakings mentioned in sections three hundred and forty-nine, three hundred and fifty, three hundred and fifty-one, and three hundred and fifty-two, at any time within thirty days after the filing of such undertaking; and unless they or other sureties, within twenty days after the appellant or appellants shall have been served with notice of such exception, justify before a Judge of the Court below, a County Judge, or County Clerk, upon five days notice to the appellant, execution of the judgment or decree appealed from shall be no longer stayed; and in all cases where an undertaking is required on appeal by the provisions of this Act a deposit in the Court below of the amount of the judgment appealed from, and three hundred dollars in addition, shall be equivalent to filing the undertaking, and in all cases the undertaking or deposit may be waived by the written consent of the respondent.

Deposit.

SEC. 25. Section four hundred and three of said Act is hereby amended so as to read as follows:

Section 403. The subpœna shall be issued as follows:

Subpoenas. *First*—To require attendance before a Court, or at the trial of an issue therein, it shall be issued under the seal of the Court before which the attendance is required, or in which the issue is pending.

Second—To require attendance out of the Court before a Judge, Justice, or other officer authorized to administer oaths or take testimony in any matter under the laws of this State, it shall be issued by the Judge, Justice, or any other officer before whom the attendance is required.

Third—To require attendance before a Commissioner appointed to take testimony by a Court of a foreign country, or of the United States, or of any other State in the United States, or of any other district or county within this State, or before any officer or officers empowered by the laws of the United States to take testimony, it may be issued by any Judge or Justice of the Peace in places within their respective jurisdiction, with like power to enforce attendance, and upon certificate of contumacy to said Court to punish contempt of their process as such Judge or Justice could exercise if the subpœna directed the attendance of the witness before their Courts in a matter pending therein.

SEC. 26. Section five hundred and thirty-seven of said Act is hereby amended so as to read as follows:

Section 537. Justices' Courts shall have jurisdiction of an action and the persons of the parties thereto, upon the voluntary appearance of the parties without summons, and without regard to their residences or the place where the cause of action arose or the subject matter of the action may exist. The plaintiff may commence an action by summons, either in the township or city where the contract was by its terms to be performed, or in which the defendant resides, as he may elect.

Place where
action may
be com-
menced.
Jurisdiction
of Justices'
Courts.

CHAP. DXXXV.—An Act to reduce the county expenses in the County of Trinity.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Clerk of Trinity County, for all and every service rendered by him for said county, whether as Clerk, Auditor, Recorder, Clerk of the Board of Supervisors, of Equalization, of Canvassers, or in any other official capacity, shall receive a salary of one thousand two hundred dollars per annum, which shall be in full for all such services rendered by him as aforesaid, and chargeable to said county; and which salary shall be payable quarterly, and audited by the Board of Supervisors at their first regular meeting after each instalment falls due, and shall be payable out of the General Fund of the county. Nothing in this Act shall be construed as affecting in any manner the right of said Clerk to any fees allowed by law for services performed for any other than said county.

SEC. 2. The Sheriff of Trinity County for all and every service rendered by him for said county in his official capacity as Sheriff thereof, shall receive a salary of one thousand two hundred dollars per annum, which shall be in full for all such services rendered by him as aforesaid and chargeable to said county, except for services as Keeper of the County Jail, for which he shall receive the same compensation as now allowed by law; which salary shall be paid quarterly and audited by the Auditor, and shall be payable out of the General Fund of the county; *provided*, also, that the said Sheriff shall collect all foreign miners' licenses in the Supervisor or Revenue District in which the county seat is located, as provided in section thirteen of an Act entitled an Act to create the office of District Assessors in the County of Trinity, and to provide for the collection of revenue therein, and shall receive commissions and fees and make his returns as therein provided.

SEC. 3. All Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after the first Monday in March, A. D. eighteen hundred and sixty-eight.

Takes effect
March, 1868.

CHAP. DXXXVI.—An Act to accept the grant by the United States Government to the State of California of the Yosemite Valley, and of the land embracing the Mariposa Big Tree Grove, and to organize the Board of Commissioners, and to fully empower them to carry out the objects of the grant and fulfil the purposes of the trust.

[Approved April 2, 1866.]

Preamble.

WHEREAS, By an Act of Congress entitled an Act authorizing a grant to the State of California of the Yosemite Valley, and of the land embracing the Mariposa Big Tree Grove, approved June thirteenth, A. D. eighteen hundred and sixty-four, there was granted to the State of California in the terms of said Act, said valley and the lands embracing said grove upon certain conditions and stipulations therein expressed; now, therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Acceptance of grant.

SECTION 1. The State of California does hereby accept said grant upon the conditions, reservations, and stipulations contained in said Act of Congress.

Commissioners.

SEC. 2. The Governor, and the eight other Commissioners, Frederick Law Olmstead, Professor J. D. Whitney, William Ashburner, J. W. Raymond, E. S. Holden, Alexander Deering, George W. Coulter, and Galen W. Clark, appointed by him on the twenty-eighth day of September, eighteen hundred and sixty-four, in accordance with the terms of said Act, are hereby constituted a Board to manage said premises, and any vacancy occurring therein from death, removal, or any cause, shall be filled by the appointment of the Governor. They shall be known in law as "The Commissioners to manage the Yosemite Valley and the Mariposa Big Tree Grove," and by such name they and their successors may sue and be sued, and shall have full power to manage and administer the grant made and the trust created by said Act of Congress, and shall have full power to make and adopt all rules, regulations, and by-laws for their own government, and the government, improvement, and preservation of said premises not inconsistent with the Constitution of the United States or of this State, or of said Act making the grant, or of any law of Congress or of the Legislature. They shall hold their first meeting at the time and place to be specified by the Governor, and thereafter as their own rules shall prescribe, and a majority shall constitute a quorum for the transaction of business. They shall elect a President and Secretary, and any other officers from their number as their rules may prescribe.

No compensation.

SEC. 3. None of said Commissioners shall receive any compensation for their services as such. They shall have power to appoint a Guardian, either of their number or not, of said premises, removable at their pleasure, to perform such duties as they may prescribe, and to receive such compensation as they may fix, not to exceed five hundred dollars per annum.

Guardian.

SEC. 4. The Commissioners shall make a full report of the condition of said premises and of their acts under this law, and

Compensation.

Report.

of their expenditures, through the Governor, to the Legislature, at every regular session thereof.

SEC. 5. The State Geologist is hereby authorized to make such further explorations on the said tracts and in the adjoining region of the Sierra Nevada Mountains as may be necessary to enable him to prepare a full description and accurate statistical report of the same, and the same shall be published in connection with the reports of the Geological Survey.

SEC. 6. It shall be unlawful for any person wilfully to commit trespass whatever upon said premises, cut down or carry off any wood, underwood, tree, or timber, or girdle or otherwise injure any tree or timber, or deface or injure any natural object, or set fire to any wood or grass upon said premises, or destroy or injure any bridge or structure of any kind, or other improvement that is or may be placed thereon. Any person committing either or any of said acts without the express permission of said Commissioners through said Guardian shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding five hundred dollars or by imprisonment in the County Jail not exceeding six months, or by both such fine and imprisonment.

SEC. 7. The sum of two thousand dollars is hereby appropriated for the eighteenth and nineteenth fiscal years out of any moneys in the Treasury not otherwise appropriated to pay said Guardian and the incidental expenses of the Commissioners and to be expended under the supervision of said Commissioners; provided, that not more than one half of said sum shall be expended during the eighteenth fiscal year.

SEC. 8. This Act shall take effect immediately.

CHAP. DXXXVII.—*An Act for laying out, altering, and vacating public roads in the County of Marin.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person or persons desiring to have a public road laid out in the County of Marin, shall present a petition in writing to the Board of Supervisors of said county on the first day of a regular meeting thereof, signed by not less than ten legal voters, residing within two miles of the proposed road, setting forth the place of beginning, the intermediate points, if any, and the termination of said road, together with the names, if known, of the owners or claimants of the land, or of any interest therein, through which the proposed road is to pass; and if the names of any of said owners or claimants are unknown to the petitioners, that fact shall be set forth in the petition. The petition shall also state at what regular meeting of the Board of Supervisors said petition will be presented.

Copy to be posted, and filed with County Recorder.

SEC. 2. A copy of said petition shall be posted up in three public places in each township through or into which the proposed road is to pass, one of which copies shall be posted up at the place of beginning and one at the termination of the proposed road as set forth in said petition, and a like copy at the door of the Court House of said county, all of which copies shall be posted up at least thirty days before the first day of the regular meeting of the Board of Supervisors mentioned in the petition. At the time of posting said copies as herein provided, or at any time afterwards, a copy of said petition may be filed with the Recorder of said county, and from the time of filing only shall the pendency of the proceedings be constructive notice to a purchaser or encumbrancer of any of the lands affected by the proposed road.

Remonstrance.

SEC. 3. Any person or persons opposed to the laying out of the proposed road may present a remonstrance in writing to the Board of Supervisors on the first day of the regular meeting thereof mentioned in the petition, setting forth in such remonstrance the grounds of opposition or objection, a copy of which remonstrance shall be served on the said petitioners, or at least one of them, and a like copy posted at the door of the Court House of said county at least five days before the first day of the said regular meeting of the Board of Supervisors.

Hearing of petition and remonstrance.

SEC. 4. On the first day of the regular meeting of the Board of Supervisors mentioned in the petition, or on any day fixed by the Board of Supervisors, not exceeding five days thereafter, said Board of Supervisors shall proceed to hear and consider all matters concerning the original petition, and any remonstrance that shall have been presented as herein provided, and such matters and evidence touching the necessity or convenience of the proposed road as may be offered by or on behalf of any of the persons interested in said road or opposed thereto; *provided*, that proof shall have been first made of the posting of the copies of the petition as therein provided, and of the posting and service of a copy of any remonstrance that may have been presented; and, *provided*, that the Board of Supervisors shall not be obliged to hear any objection to the laying out of the proposed road unless a remonstrance shall have been presented and a copy thereof posted and served as herein provided.

Order for meeting to assess damages.

SEC. 5. The hearing may be continued from day to day as long as may be necessary, and at the conclusion thereof, if the Board of Supervisors or a majority of the members thereof are of the opinion that the proposed road is not necessary for the public convenience and good, or not of sufficient importance to warrant them in making a view thereof, they shall make an order denying the prayer of the petition and discontinuing all proceedings; but if the Board of Supervisors or a majority of the members thereof at the conclusion of the said hearing are of the opinion that the proposed road is necessary for the public convenience and good, or of sufficient importance to warrant them in making a view thereof, they shall make an order appointing a time and place to meet and view the proposed road and to ascertain the compensation or assess the damages to which each person is entitled who owns or claims any land or any interest therein through which said road is to pass by reason

of the laying out thereof. The time appointed for such meeting shall not be less than thirty nor more than forty days from the date of making the order; *provided*, that one or more of said petitioners shall enter into a bond to Marin County in such reasonable sum as the Board of Supervisors shall fix, with one or more sufficient sureties, to be approved by the Board of Supervisors, conditioned that the principal named in said bond will pay into the County Treasury the amount of all costs and expenses accruing on or in consequence of such petition in case the prayer of the petitioners shall not be granted and the proposed road laid out and established, and in case such bond be not forthwith given no further proceedings shall be had under the said petition.

SEC. 6. The bond mentioned in the last preceding section having been given, approved, and filed, the Board of Supervisors shall give notice of the time and place appointed for the meeting mentioned in the last preceding section, by causing a copy of the order appointing such time and place, certified by the Clerk of the Board of Supervisors to be a correct copy of the original order, to be served personally on each person owning or claiming lands or any interest therein, through which the proposed road is to pass, at least fifteen days before the day appointed for the meeting; *provided*, that where such owner or claimant is a minor, idiot, or insane person, such copy shall be served on the legal guardian of such minor, idiot, or insane person. If the owner or claimant, or the legal guardian of any owner or claimant of any land or any interest therein, through which the proposed road is to pass, is not personally served as herein provided, a copy of said order, certified to be correct as herein provided, shall be published once a week for at least three consecutive weeks before the time appointed for such meeting, in a newspaper published in said county.

SEC. 7. At the time appointed for the meeting, the Supervisors of said county, or in case of the unavoidable absence or inability of one of them to act, then a majority of them, shall meet at the place appointed, and shall proceed to view the proposed road, and shall hear and consider any additional reasons for or against the laying out of the same, and they may make such changes between the termini of the road described in the petition, with regard to the direction or location thereof, as in their opinion the public convenience requires. After having made such view, which may be continued from day to day as long as may be necessary, not exceeding six days, and heard any reasons which may have been offered for or against laying out such road by or on behalf of any person interested therein, they shall adjudicate upon the necessity and common convenience of the proposed road. And if, from the said view and hearing they shall adjudge that the laying out of the said road is not necessary for the public convenience and good, or is not of sufficient importance to justify the expense of laying out and opening the same, they shall reduce their opinion to writing, and cause the same to be filed, and no further proceedings shall be had under said petition. But if from such view and hearing

Bond for
payment
of costs.

Notice of
meeting
to assess
damages.

Meeting, and
proceedings.

Conclusions, and assessment of damages. they shall adjudge that the laying out of such road is necessary for the public convenience and good, and that the expense of laying out and opening the same will not overbalance the benefits to be derived therefrom, they shall proceed to assess the damages to which each claimant therefor is entitled by reason of the laying out of such road, except such claimants as may agree with the Supervisors as to the amount of such damages, or release all claim therefor as hereinafter provided. In assessing the damages, the Supervisors shall estimate the advantages and benefits which the proposed road will confer on the claimants, as well as the disadvantages, and the benefit and value of such road to the property of such claimant shall be allowed and deducted by way of setoff.

Agreement as to damages.

SEC. 8. The damages sustained by any person by reason of the laying out of a public road through any land owned or claimed by him, or [in] which he owns or claims any interest, may be ascertained by the agreement of such person and the Supervisors. Every such agreement shall be reduced to writing and signed by such person and the Supervisors who made such view. Every such agreement, and every release in writing of all claim for compensation or damages, given either with or without consideration, shall be filed, and shall forever preclude such owner or claimant of any land affected by said road, and all persons claiming or to claim under him, from all further claim for compensation or damages. Any person who shall sign a petition for the laying out of any public road as herein provided shall be deemed to have waived all claim and right to damages arising from the location of such road through any land owned or claimed by such petitioners, and to have dedicated a right of way through the same for such road.

Report.

SEC. 9. The Supervisors, or such of them as shall have made the view and assessed the damages as herein provided, shall, immediately thereafter, make a report of all their proceedings in making such view, wherein they shall set forth:

First—The time and place at which they met, and which of them were present;

Second—Whether they made any changes as therein provided in the direction or location of the road described in the petition, and if so, the extent and nature thereof;

Third—A description of the proposed road as finally viewed and selected by them, describing the same, which [with] reference to objects or land marks, and general directions, and distance, with reasonable certainty;

Fourth—The width of such road, which shall not exceed sixty-six feet;

Fifth—The names of all owners or claimants with whom they have compromised or who have released all claims for compensation or damages as herein provided, with the amount paid or allowed to each;

Sixth—The names of all such owners or claimants with whom they could not or did not agree as to the amount of damages, and the amount thereof awarded by the Supervisors to each.

Survey of road.

SEC. 10. The report mentioned in the last preceding section having been completed, the Supervisors shall employ a competent surveyor and necessary assistants, and place in their hands

the said report. Said surveyor and assistants shall, within ten days after the completion of said view, proceed to survey the said road, and shall distinctly mark the beginning, the entire course, and the termination of such road as viewed by the Supervisors, and describe in the report in such a manner that said road can be readily traced throughout its entire length; and, if necessary, one of the Supervisors who made the view shall accompany them when making such survey. On or before the ^{Plat, etc.} first day of the next regular meeting of the Board of Supervisors, the said surveyor shall make and file a plat and field notes of such survey, which shall state distinctly the place of beginning of all the stations, courses and distances, the termination of said road, and the width and total length thereof; such survey to be of the centre of the road in all cases, unless otherwise expressly ordered by the Supervisors.

SEC. 11. The report of the Supervisors mentioned in section nine of this Act and the plat and field notes of the survey provided for in the last preceding section having been filed, the Board of Supervisors shall, at their first regular meeting after the making of the view herein provided for proceed to examine the said plat and field notes, and all other matters herein contained; and if found correct, they shall, by order, approve and confirm said report and said plat and field notes, and declare the road therein mentioned and described to be laid out and established as a public road; *provided*, that they may make the <sup>Establish-
ment of road</sup> ^{Proviso.} laying out and establishment of the said road conditional upon the payment by the petitioners of all or any part of the damages paid, allowed, or awarded, or the costs which may have [been] deemed the amount so to be paid, to be specified in the order, together with the time within which such payment shall be made, which shall not exceed twenty days from the time of making the order.

SEC. 12. Whenever any public road shall be finally laid out and established as contemplated in this Act, the plat and field notes of the survey thereof, and the matters therein contained, shall be recorded by the Clerk of the Board of Supervisors in a book to be called the "Road Record of Marin County," kept by him, which shall constitute the record of such road.

SEC. 13. If any person or persons, claiming damages on account of the laying out or the establishment of any public road under the provisions of this Act, cannot agree with the Board of Supervisors as to the amount of damages to which he considers himself entitled, and refuses to accept the amount awarded to him therefor and to execute a release of all claims for further compensation or damages as herein provided, such person or persons may, within twenty days from the time of making of the order mentioned in section eleven of this Act, commence an action against the county by name for such damages in any Court of competent jurisdiction; and an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed by the Legislature of this State on the twenty-ninth day of April, A. D. one thousand eight hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto, shall be applicable to all actions commenced under the provisions of this Act; *provided*, when any such action is commenced in a Justice's <sup>Action for
damages.</sup> <sup>Survey, etc.,
to be record-
ed in Road
Record.</sup>

Place where action shall be brought. Court, it shall be brought before some Justice of the township wherein the county seat of said county is located, and the summons issued in any such action shall be made returnable in not less than ten days from the time of issuing the same, and shall be served at least seven days before the return day; and, provided, if the plaintiff in such action shall fail to recover a greater amount of damages than was ordered or allowed to him by the Supervisors, all the costs in the case shall be taxed against him as in favor of the county. Any person who shall fail to bring such action within the time prescribed in this section, shall be forever barred from bringing or maintaining any action for any damages arising from the laying out or opening of such public road.

Payment of costs.

Opening of road. SEC. 14. Any road laid out under the provisions of this Act shall not be opened until all claims for damages shall have been settled and determined, either by payment, or tender, or agreement, or by expiration of the time within which an action therefor might have been brought as provided in this Act. Whenever any road shall have been finally laid out and established, and all claims for damages settled and determined as provided in this Act, the Clerk of the Board of Supervisors shall notify the Road Master or Road Masters of the district or districts within which such road is situated of the establishment thereof, and shall furnish him with a copy of the record thereof, certified by said Clerk to be correct; and it shall be the duty of such Road Master or Road Masters to open such road within thirty days from the reception of such notice, unless there were, at the time of the laying out and establishment of such road, growing crops upon the land affected by such road, in which case it shall be the duty of such Road Master or Road Masters to open such road within thirty days after the usual time for harvesting such crops.

Funds from which damages shall be paid. SEC. 15. All damages or costs required by this Act to be paid by the county, shall be paid either out of the County Fund, or Road Fund, as the Board of Supervisors shall by order direct.

Filing of papers. SEC. 16. Whenever any paper, instrument, or document is required by this Act to be filed, the same shall be filed in the office of the Clerk of the Board of Supervisors, unless herein otherwise expressly provided. All original petitions and remonstrances, and all affidavits of posting, or of service, or of publication, shall also be filed. The Clerk of the Board of Supervisors shall, at the time of filing any such paper, instrument, or document, note thereon the date of filing the same, and sign his name officially thereto. All orders made by the Board of Supervisors in the course of the proceedings authorized by this Act shall be entered by said Clerk, at the time such orders are made, on the record of the proceedings of the Board of Supervisors.

Supervisors' proceedings to be entered of record. SEC. 17. Proof of the posting, filing, or service of any papers, instrument, or document required by this Act to be posted, filed, or served, may be made by the affidavit of any competent person, and the interests of such person in the result of the proceedings shall not affect his competency. Proof of the publication of a copy of the order mentioned in section six of this Act, may be made by the affidavit of the printer or publisher of the newspaper in which such copy was published.

Proof of posting, filing, and publication.

SEC. 18. Any person wishing to cultivate any land through which any road may pass, or desiring for any reason to change the location of such road, may present a petition in writing, signed by him, to the Board of Supervisors, at a regular meeting thereof, praying for permission to change the location of such road at his own expense on his own land, or on the land of any other person, whose consent thereto in writing he shall file, which petition shall describe the particular portion of the road to be changed and the location desired with reasonable certainty. The Board of Supervisors shall thereupon view such portion of the road as laid out and the change of location desired, and if from such view the Board of Supervisors are of the opinion that such change will not materially injure or incommodate the public, they may order such change to be made at the expense of the petitioner, and upon such change being completed, the Board of Supervisors shall vacate so much of the old road as lies between the points of intersection. In case the Board of Supervisors do not authorize or allow such change to be made, said petitioner shall pay all the cost and expense of the view.

Change of
location on
lands of
private
persons.

SEC. 19. Whenever ten freeholders or householders of any township or townships through or into which any public road may pass shall make application to the Board of Supervisors at a regular meeting thereof, by petition in writing, signed by them, for the vacation or discontinuance of such road, on the ground that the same is unnecessary for public use or travel, or that the expense of maintaining and repairing the same is an unnecessary burden, such petitioners shall cause copies of such petition to be posted up for the time and in the manner provided in section two of this Act. Such petition shall describe the road to be vacated or discontinued with reasonable certainty. If no remonstrance thereto shall be filed or presented to the Board of Supervisors on or before the first day of the first regular meeting thereof after the posting of the copies of such petition, the Board of Supervisors, upon due proof of the posting of such copies, shall make an order at said regular meeting vacating and discontinuing the road described in such petition; but if any remonstrance thereto shall have been so filed or presented, they shall proceed to view such road, and thereupon shall make an order either vacating and discontinuing such road, or continuing the same, as in their opinion the interest and convenience of the public may require. If such road shall not be vacated or discontinued the petitioners shall pay all the cost and expense of the view.

Vacation and
discontinu-
ance of road.

SEC. 20. Whenever the owner of any land situated in Marin County shall make a deed to the County of Marin of a right of way through such land for a public road, and such deed shall have been duly executed and acknowledged as provided in an Act entitled an Act concerning conveyances, passed by the Legislature of this State on the sixteenth day of April, A. D. eighteen hundred and fifty, and the several Acts amendatory thereof and supplementary thereto, the same may be recorded by the Clerk of the Board of Supervisors in the Road Record of Marin County, and the record thereof shall impart notice to all persons of the contents of such deed, and subsequent purchasers, mortgagees, and lienholders shall be deemed to purchase and take with

Deed of right
of way.

notice. At any time after such deed shall have been recorded, the Board of Supervisors, at a regular meeting thereof, may order that a public road be laid out through such land according to the tenor of such deed, and thenceforward the same shall be a public road, and shall be opened and used as such.

Compensa-
tion of
Supervisors.

Of surveyors
and assist-
ants.

SEC. 21. The Supervisors, for all services rendered under the provisions of this Act, shall each receive the per diem now allowed by law, and also the sum of twenty-five cents a mile for each and every mile necessarily travelled, in going only, to make any view provided for in this Act, to be computed in all cases from the Court House of said county. Each surveyor shall receive five dollars a day, and each assistant two dollars a day, for each day necessarily employed in making any survey under the provisions of this Act.

SEC. 22. All Acts and parts of Acts inconsistent or conflicting with the provisions of this Act are hereby repealed so far as they may apply to the County of Marin.

SEC. 23. This Act shall take effect and be in force from and after its passage.

CHAP. DXXXVIII.—*An Act to change the time for holding municipal elections in the City and County of San Francisco, and to define the official terms of certain officers therein mentioned.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Election of
officers.

SECTION 1. There shall be elected hereafter for the City and County of San Francisco by the qualified electors thereof, at the times hereinafter mentioned, and in the manner prescribed by law for the election of State and county officers, one Mayor, who shall be ex officio President of the Board of Supervisors; a County Judge, Police Judge, an Attorney and Counsellor, Probate Judge, District Attorney, Sheriff, County Clerk, Recorder, Treasurer, Auditor, Tax Collector, Assessor, Coroner, Public Administrator, Surveyor, Superintendent of Common Schools, Superintendent of Public Streets, Highways, and Squares, Chief of Police, Harbor Master, and State Harbor Commissioner. There shall be elected in each of the twelve present election districts of said city and county, which shall hereafter constitute municipal districts and be designated and known in law as wards, by the qualified electors thereof, one Supervisor and one School Director.

Of Judges.

SEC. 2. The County Judge, Probate Judge, and Police Judge shall be elected at the special judicial elections, and shall hold their offices as provided by law.

Election
days.

SEC. 3. All elections for city and county officers, except as provided in section two of this Act, shall be held in said city and county on the days prescribed by law for holding the general elections throughout the State, except in the years when no general election is provided for by law, when elections for

city and county officers shall be held on the first Wednesday of September of said years.

SEC. 4. At the first election held under this Act on the first Wednesday of September, eighteen hundred and sixty-six, and at the election held every second year thereafter, there shall be elected an Attorney and Counsellor for said city and county, an Auditor, a Tax Collector, a Public Administrator, a Superintendent of Public Streets, Highways, and Squares, a Chief of Police, and in each of the First, Third, Fifth, Seventh, Ninth, and Eleventh Wards, one Supervisor and one School Director, who shall hold their offices for the term of two years from and after the first Monday of December subsequent to their election and until their successors are elected and qualified.

SEC. 5. At the second election held under this Act, on the day of the general election held in the year eighteen hundred and sixty-seven, and at the election held every second year thereafter, there shall be elected a Mayor, who shall be ex officio President of the Board of Supervisors; a District Attorney, a Sheriff, a County Clerk, a Recorder, a Treasurer, an Assessor, a Coroner, a Surveyor, a Superintendent of Common Schools, a Harbor Master, and in each of the Second, Fourth, Sixth, Eighth, Tenth, and Twelfth Wards one Supervisor and one School Director, who shall hold their offices for the term of two years from and after the first Monday of December subsequent to their election and until their successors are elected and qualified.

SEC. 6. In and for the city and county at large, at the general election in the year eighteen hundred and sixty-seven, and at the general election every two years thereafter, there shall be chosen by the qualified electors of said city and county five Justices of the Peace, to hold office for the term now prescribed by law; and all laws are repealed which require or authorize Justices to be elected at a special judicial election.

SEC. 7. At the election held under this Act in eighteen hundred and sixty-nine, and at the election held every fourth year thereafter, there shall be elected a State Harbor Commissioner as provided by law, who shall hold his office for the term of four years from and after the first Monday in December subsequent to his election and until his successor is elected and qualified.

SEC. 8. All of the present city and county officers as designated in sections four, five, and seven of this Act, and the State Harbor Commissioner as designated in section eight, shall continue in office during the entire term for which they were elected and until their successors are elected and qualified as provided for in this Act; *provided*, that any officer elected or appointed to fill a vacancy which may in any manner occur shall serve only during the unexpired term of his predecessor and until his successor is elected and qualified.

SEC. 9. It is hereby made the duty of the Mayor to issue his proclamation by publication in not less than three daily newspapers published in said city and county, at least ten days previous to the day in each year on which the election is to be held under this Act, calling upon the qualified voters in said city and county to meet in their respective districts for the purpose of electing such officers as are provided for in this Act, reciting in

Officers to be
elected in
Sept., 1866.

At general
election
in 1867.

Election of
Justices of
the Peace.

Of Harbor
Commiss-
ioner.

Present
officers to
serve their
full term.

Proviso.
Election
proclama-
tion.

such proclamation the different officers to be elected at such election.

New official bonds. SEC. 10. Each and every officer whose term is extended by the provisions of this Act, and who is now required by law to give an official bond, shall, prior to entering upon or performing any duties of his office for said extended term, enter into and file as provided by law a new official bond, in like amount and with like conditions as is now required by law; and upon failure to do so, his office shall become vacant.

Repeal. SEC. 11. An Act entitled an Act to change the time for holding municipal elections in the City and County of San Francisco, and to define the official terms of certain officers therein mentioned, approved April twenty-second, eighteen hundred and sixty-one, and all Acts and parts of Acts inconsistent with the provisions of this Act, are hereby repealed.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAP. DXXXIX.—*An Act to provide for paving the streets in the City and County of San Francisco.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Nicolson pavement. SECTION 1. Whenever a majority of the owners, or their agents, in frontage, of any lot or block of land fronting on any street, lane, alley, place, court, or street crossing, in the City and County of San Francisco, petition the Board of Supervisors of said city and county for the construction of the Nicolson pavement, the said Board of Supervisors shall order the same to be laid down and constructed, under the same laws and regulations as other pavements are constructed; and when the same is completed to the satisfaction of the Superintendent of Streets, the Board of Supervisors may accept the same, in the same manner as other pavements are accepted, and be liable to the same restrictions, privileges, and rights, and be governed by the same laws and regulations as other pavements are, and no other. Said Nicolson pavement shall not cost to exceed twenty-eight cents in gold or silver coin per square foot.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DXL.—An Act to encourage the cultivation of oysters in the County of Contra Costa.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. John Todd and John S. Morgan are hereby authorized and empowered, by themselves or their agents, to enter upon or take possession of the following described portion of a small cove or inlet of the Bay of San Francisco, between Brooks' Island, the southern point of the range of hills known as the Potrero de San Pablo, and the main land of the County of Contra Costa, and bounded on the west by the highlands of the said Potrero, on the north and east by a certain slough traversing said cove through its middle, and on the south by a line drawn due east from the most southerly point of said Potrero to the said slough, or the middle of the said cove, embracing an area not exceeding ten acres, and not extending above the line of ordinary high water.

SEC. 2. That said parties shall have the exclusive use of the above described portion of the cove or inlet for the term of ten years, for the purpose of collecting, planting, imbedding, and cultivating oysters and other shell fish, and protecting the same by pens or corrals; *provided*, that nothing in this Act shall be construed as conveying any title whatever to the same; and, *provided*, further, that the grantees shall in nowise interfere with or obstruct the navigation of said cove or inlet; *provided*, that the rights herein granted shall not interfere with any other rights heretofore granted by the State to any other persons at the place named in this Act, if any such rights have been granted.

SEC. 3. Any person infringing upon the rights of said parties, granted by this franchise, by entering upon or removing any shell fish from said premises without their consent, or in any manner interfering with the same, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty nor more than three hundred dollars for each and every offence, and shall, in addition thereto, be answerable in an action for trespass for all damages that may be sustained by said parties.

SEC. 4. This Act shall take effect immediately.

CHAP. DXLI.—*An Act concerning the Military of the State of California.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

NATIONAL GUARD.

Number of companies. SECTION 1. The organized uniformed troops of the State shall be designated and known as the National Guard of the State of California. This force shall consist of companies of different arms, not to exceed in all eighty, as follows: sixty-four companies of infantry, twelve of cavalry, and four of artillery, and shall be located throughout the State with reference to the military wants of the State, means of concentration, and other military requirements. The Commander-in-Chief, Major-General, Adjutant-General, and the Brigadier-General of each brigade shall constitute a Board for the location and organization of the National Guard; and it is hereby made the duty of such Board to assemble within sixty days after the passage of this Act to determine and locate this force, commencing first with the present organized troops of the State; and, *provided*, further, that such Board shall hereafter determine what new companies shall be organized under the provisions of this Act.

Board of Location.

Commissioned officers.

SEC. 2. All companies of the National Guard shall be, so far as practicable, organized in regiments, battalions, and batteries, as is hereinafter provided. All commissioned officers of the staff of the Commander-in-Chief, the Adjutant-General and the officers of his staff, the Major-General and Brigadier-Generals, and all officers of their respective staffs, shall be deemed to belong to the National Guard of the State, and shall at all times be subject to be called into active service by the Commander-in-Chief; and when so called into active service, each person shall be called and mustered according to his commission.

COMMANDER-IN-CHIEF.

Staff.

SEC. 3. The Governor shall be Commander-in-Chief of all the military forces of the State. His staff shall consist of one Adjutant-General, with the rank of Brigadier-General; six Aides-de-Camp, with the rank of Lieutenant-Colonel; one Chief Engineer, one Paymaster-General, one Judge-Advocate-General, and one Surgeon-General, each with the rank of Colonel, who shall hold office subject to the pleasure of the Commander-in-Chief.

ADJUTANT-GENERAL AND ASSISTANT ADJUTANT-GENERAL.

Appointments, and salaries.

SEC. 4. The Adjutant-General shall be appointed by the Commander-in-Chief, by and with the advice and consent of the Senate. The Adjutant-General shall be ex officio Chief of Staff,

Quartermaster-General, Commissary-General, Inspector-General, and Chief of Ordnance. He shall receive a salary of three thousand dollars annually; he shall reside at the seat of government, and shall keep his office open for the transaction of business every day (Sundays excepted) from ten o'clock, A. M. to four o'clock, P. M. He shall have power to appoint an Assistant Adjutant-General, who shall perform the duties of a clerk in the office of the Adjutant-General, and during his absence or inability to act, shall perform the duties of that office, and such other duties as shall hereinafter be prescribed, and shall receive a salary of two thousand dollars per annum.

MAJOR AND BRIGADIER-GENERALS.

SEC. 5. There shall also be appointed by the Commander-in Chief, by and with the advice and consent of the Senate, one Major-General, and to each brigade of the National Guard of the State, one Brigadier-General, who shall be citizens of the United States and of the State; and the Brigadier-Generals severally shall be residents of the localities within the brigades for which they shall be appointed. They shall hold their offices for the term of four years, and until their successors are appointed and qualified.

STAFF OF MAJOR-GENERAL.

SEC. 6. The staff of the Major-General shall consist of one Assistant Adjutant-General, with the rank of Lieutenant-Colonel, two Aids-de-Camp, with the rank of Major, one Engineer Officer, one Ordnance Officer, one Quartermaster, one Commissary, one Paymaster, one Division Inspector, one Judge-Advocate, and one Surgeon, with the rank of Lieutenant-Colonel; and four Staff Orderlies, with the rank of Sergeant-Major, who shall hold office subject to the pleasure of the Major-General.

STAFF OF ADJUTANT-GENERAL.

SEC. 7. The staff of the Adjutant-General shall consist of one Assistant Adjutant-General, with the rank of Major, one Aid-de-Camp, with the rank of Captain, and one Orderly, with the rank of Sergeant-Major, who shall hold office subject to the pleasure of the Adjutant-General.

STAFF OF BRIGADIER-GENERALS.

SEC. 8. The staff of each General of Brigade shall consist of one Assistant Adjutant-General, with the rank of Major, one Aid-de-Camp, with the rank of Captain, one Engineer Officer, one Ordnance Officer, one Quartermaster, one Commissary, one Paymaster, one Brigade Inspector, one Judge-Advocate, and one Surgeon, with the rank of Major, and two Staff Orderlies, with the rank of Sergeant-Major, who shall hold office subject to the pleasure of such Brigadier-Generals.

STAFF OF COLONELS.

Of what composed.

SEC. 9. The staff of a Colonel of a regiment, and of a Lieutenant-Colonel or a Major commanding a battalion, as hereinafter provided, shall consist of one Adjutant, one Quartermaster, and one Assistant-Surgeon, each with the rank of First Lieutenant, and one Sergeant-Major, and one Quartermaster-Sergeant, to be appointed by such commanding officer.

APPOINTMENT OF STAFF OFFICERS.

Acceptance of staff appointment considered resignation of other commission.

SEC. 10. The Major-General, the Generals of Brigade, and the Adjutant-General, shall appoint the officers of their respective staffs, who must be residents of the State and of their respective brigades; any officer of a regiment, battalion, or company, receiving and accepting any staff appointment, except that of Adjutant and Quartermaster, shall be considered as *ipse facto* resigning his commission in such regiment, battalion, or company, and will continue to hold his office until his successor shall have been appointed and commissioned, except as herein otherwise provided for troops called into active service.

FORMATION OF COMPANIES.

Manner of organization

SEC. 11. Whenever a sufficient number of persons by the provisions of this Act, residents of any county of this State, subject to military duty, shall subscribe to a call for the organization of a company, the Adjutant-General, upon due application of the persons who have subscribed as above, with the approval of the General of Brigade where such company is applied for, shall present the same to the Board for the organization of the National Guard hereinafter provided, when if such company be accepted, he shall direct the Brigadier-General to appoint some suitable person resident of the county to open a book in which he shall enter the names of the persons so applying, and shall fix a time and place of meeting for the purpose of such organization, by giving ten days notice thereof by publication in some newspaper or by posting notices in at least three public places in the county.

Election of commissioned officers.

SEC. 12. The person so appointed shall preside at such meeting and organize the same; he shall superintend the election for commissioned officers of said company, which election shall be by ballot; he shall make out, after said election shall have been determined, a list of persons so organized, a certificate of each officer so elected, together with a copy of the proceedings of said meeting, and a copy of his appointment, and of the notice of said meeting duly certified by him, and transmit them to the Brigadier-General commanding the brigade in which such company shall be organized, who shall, if found correct, transmit the same with his approval to the Adjutant-General; and if it shall be found that such company has been organized and such officers elected in conformity with the provisions of this Act, such company shall be listed in the office of the Adjutant-General as a company of the National Guard of this State, and the officers so elected shall be commissioned by the Commander-in-Chief, and shall hold office for the term of two years, and until their successors are

elected and qualified. All company non-commissioned officers of the National Guard shall be nominated by commanders of their respective companies, subject to the approval of the commanders of the regiment or battalion to which they belong; and such non-commissioned officers shall not thereafter be removed or reduced in rank, except as herein provided, or by the commander of their regiment or battalion, for neglect of duty or other sufficient cause; *provided*, that commanders of batteries and unattached companies shall have the same authority with non-commissioned officers as is hereby conferred upon commanders of regiments and battalions.

Appoint-
ment of non-
commission-
ed officers.

TERM OF SERVICE.

SEC. 13. All persons on entering the National Guard shall sign a company roll, and shall join for not less than one year's service, unless sooner discharged by competent authority.

ARMS AND EQUIPMENTS.

SEC. 14. The companies of the National Guard shall be armed and equipped in the same manner as similar corps in the United States Army, and shall consist of the following officers, non-commissioned officers, and privates, viz: To each company of cavalry, one Captain, one First Lieutenant, one Senior and one Junior Second Lieutenant, five Sergeants, four Corporals, one Trumpeter, one Farrier, and not less than thirty or more than eighty privates; to other companies there shall be one Captain, one First Lieutenant and one Second Lieutenant, five Sergeants, four Corporals, one Drummer, one Fifer, and not less than fifty nor more than one hundred privates, excepting light batteries, which shall be allowed such officers as are allowed in the United States service.

Officers and
privates
composing
companies.

APPLICATION FOR ARMS.

SEC. 15. When any company shall be organized, its commanding officer shall make requisition through the proper military channel for such arms and accoutrements, ammunition, clothing, and stores as may be required. If the Commander-in-Chief shall approve such requisition, he shall give an order upon the back thereof, directing the issue by the Adjutant-General, who shall immediately notify the officer making such application that the arms and accoutrements, ammunition, clothing or stores mentioned in such requisition, or any portion thereof, are ready for issue; and thereupon it shall be the duty of such officer to give such bonds and security as may be deemed requisite by the Adjutant-General to secure the State from loss on account of use or misapplication of such arms, or equipments, or other stores; and such bonds being to his satisfaction, and on receiving duplicate receipts from such company officer, the Adjutant-General shall make the issue. He shall file one copy of such receipts in his office, and transmit the other to the General of Brigade to which such company shall be attached.

Requisition,
and bond.

TRANSPORTATION.

To be contracted for.

SEC. 16. The transportation of all arms, equipments, and military stores issued to troops or received by the State under the provisions of this Act, or from the United States, and all other military transports, shall be contracted for under the direction of the Commander-in-Chief by the Adjutant-General, and vouchers for such transportation, when audited by the State Board of Military Auditors, shall be paid from the Military Fund, on the warrant of the Controller.

EXAMINATION OF ARMS.

Inspection, and repairs.

SEC. 17. All arms, equipments, and military stores issued as hereinbefore provided, shall at all times be subject to examination by the Inspector and Ordnance Officers of the State, and of any other officer designated by the Commander-in-Chief for that purpose; and if such officer shall find any of such public property out of repair, injured, or defective, he shall immediately notify the facts to the Commander-in-Chief, through the proper channel, who, if the damage shall not be repaired and the defects and losses supplied within a reasonable time, shall order the same to be done under the direction of some officer; and the vouchers for the expense thereof, when audited by the State Board of Military Auditors, shall be paid from the Military Fund, on the warrant of the Controller.

FORMATION OF REGIMENTS.

*Of what regiments shall consist.**Election of field officers, and term of office.*

SEC. 18. A regiment of foot of the National Guard shall consist of eight companies, and no more; and any less number of companies shall be deemed a battalion. Regiments of cavalry shall consist of not less than eight or more than twelve companies. The field officers of a regiment shall be one Colonel, one Lieutenant-Colonel, and one Major; *provided*, that a cavalry regiment may have two Majors. The field officers of a battalion, when comprised of six companies and less than eight, shall be one Lieutenant-Colonel and one Major; when composed of three companies and less than six, of one Major only. Such officers shall be elected by the commissioned officers of the different companies comprising the regiments or battalions; and if the regiment or battalion be already formed, by all the commissioned officers of such battalion or regiment; and upon application by such officers the General of Brigade to which such regiment or battalion is attached or to be attached shall appoint a suitable person to preside at the election, who shall give notice of his appointment, of the time and place of holding the election, and of the offices to be filled, which notice shall be published at least ten days in some newspaper published within the limits of the brigade; or if no paper be issued within such limits, by posting notices in at least three conspicuous places. Such presiding officer shall make due return of the election held, certified under his hand, through the proper military channels, to the Adjutant-General, who, upon finding the same in accordance with the provisions of this Act, shall notify the Com-

mander-in-Chief, who shall thereupon issue commissions to the officers elected, such commissions to date from the time of holding the election, and to continue for four years.

LIGHT ARTILLERY.

SEC. 19. When two or more companies of light artillery are Battalions. in the same brigade, they shall be formed into a battalion, to be commanded by a Major if composed of two companies, and by a Lieutenant-Colonel if of three companies and less than six; provided, that for the election of officers, the appointment of Election. non-commissioned officers, and for all other rules of government and discipline, the provisions of this Act, for the government and discipline of the other arms of the National Guard, shall, as far as applicable, govern battalions of light artillery. Battalion drills, provided for in section thirty-four of this Act, shall not apply to light artillery, but the commanding officer of a battalion of light artillery shall personally drill each company of his command not less than three times in each year, one of which drills shall be with harnessed battery.

BOARD OF ORGANIZATION.

SEC. 20. The Commander-in-Chief, Major-General, Adjutant-General, and Brigadier-General in each brigade, shall form a Board, and shall proceed within sixty days after the passage of this Act to transfer, attach, or disband companies, as the public interest in their judgment may require, and re-organize the regiments and battalions now comprising the organized militia of this State; and shall re-organize them in conformity with the provisions of this Act for the establishment and organization of a National Guard.

RESIGNATIONS.

SEC. 21. Any officer resigning his commission shall do so in Manner of writing, and transmit the same through his immediate commanding officer, who will make his indorsement thereon, and the resignation shall go into effect when accepted by the Commander-in-Chief, and not before. Vacancies of commissioned officers of National Guard (not in active service) caused by resignation, death, dismissals, removals, or by any other cause, shall be filled by election. Such elections of company and field officers shall be presided over by an officer appointed for that purpose by the Brigadier-General, and such presiding officer shall report the result of such election to the officer appointing him, which report shall be transmitted to the Commander-in-Chief, who shall issue commissions in accordance with the provisions of this Act; provided, however, that when the same officer shall be re-elected, no new commissions shall be issued, but the officer so re-elected shall continue to hold under his original commission, a certificate of such re-election [to] be indorsed thereon and duly signed by the Adjutant-General of the State; and, provided, further, that when vacancies occur at an election through the promotion of any officer, such vacancies may then and there be filled without further order for the same. The

Commission of staff officer vacated. commission of any staff officer whose term of office depends upon the pleasure of the officer by whom he is appointed, shall, when such office is not in active service, be considered as vacated upon the qualification of his successor, and shall be so noted upon the proper books or rolls kept in the office of the Adjutant-General of the State.

AUTHORITY TO DISBAND.

Disbanding for mutinous or disorderly conduct. SEC. 22. The Commander-in-Chief is authorized at any time, by issuing his orders to that effect, to disband any portion of the National Guard or of the enrolled militia mustered into service which may evince a mutinous, disorderly, or disobedient spirit, or who shall wilfully fail or neglect to comply with the provisions of this Act, and to deprive them of arms; after which, it shall be a misdemeanor in any person so disbanded to appear with State arms in his possession, or as any portion of the National Guard, or of the enrolled militia in active service, until again drafted or regularly mustered into service, under the penalty of not less than ten nor more than one hundred dollars for each offence; and such person shall be proceeded against by the District Attorney in the name of the people of the State, before any competent Court of the county where such person may happen to be; and all fines so recovered and collected shall be paid into the Military Fund.

Penalty for having State arms in possession.

RELATIVE TO COMMISSIONS.

Absence or removal deemed resignation. SEC. 23. Any commissioned officer who shall remove his residence from the limits of his brigade will be deemed to have resigned his commission; and the Major-General, Brigadier-General, or any commissioned officer who shall absent himself from the State for more than three months without the permission of the Commander-in-Chief shall be deemed to have resigned his office.

BOARD OF MILITARY AUDITORS.

Board. SEC. 24. The Commander-in-Chief, Adjutant-General, and the Attorney-General shall constitute a State Board of Military Auditors. The Commander-in-Chief shall be President, and the Adjutant-General shall be Secretary; and the Board shall have a seal, an impression of which shall be deposited by the Secretary of the Board in the office of the State Treasurer, and be attached to all accounts audited by said Board.

Allowance and payment of claims. SEC. 25. It shall be the duty of such Board of Military Auditors to audit and allow all proper claims against the Military Fund incurred by troops in the service of this State and officers attached to the same, and all other just claims required to be paid under the provisions of this Act. It shall be the duty of the Controller of the State to draw his warrants for the amount thus audited and allowed; and the Treasurer of State is hereby required to pay the same out of the Military Fund.

FORMATION OF BRIGADES.

SEC. 26. The National Guard of this State shall be organized into six brigades, to be commanded each by a Brigadier-General, ^{Number, and allotment.} as follows:

First Brigade—San Diego, Los Angeles, San Bernardino, Santa Barbara, San Luis Obispo, and Monterey Counties.

Second Brigade—Santa Cruz, Santa Clara, San Mateo, San Francisco, Alameda, Contra Costa, Marin, Sonoma, Solano, Napa, and Lake Counties.

Third Brigade—San Joaquin, Mariposa, Tuolumne, Fresno, Stanislaus, Calaveras, Merced, Mono, Buena Vista, and Tulare Counties.

Fourth Brigade—Sacramento, Yolo, Sutter, El Dorado, Alpine, Amador, Placer, Nevada, Yuba, and Sierra Counties.

Fifth Brigade—Butte, Plumas, Colusa, Tehama, Shasta, Trinity, and Siskiyou Counties.

Sixth Brigade—Mendocino, Humboldt, Del Norte, and Klamath Counties.

SEC. 27. The six brigades of National Guard shall compose the division commanded by a Major-General.

SEC. 28. Any and all new counties which may hereafter be organized in this State, shall be attached to the respective brigade in which the larger portion of said new county is now located. ^{New counties.}

SYSTEM OF INSTRUCTION.

SEC. 29. The systems for instruction in tactics prescribed for the different arms in the United States army shall be followed in the military instruction and practice of the National Guard of this State and of the enrolled militia when called into active service; and the use of any other system is hereby prohibited. ^{To be same as prescribed for U.S. army}

PARADES AND DRILLS.

SEC. 30. Commanders of regiments and battalions shall assemble their commands for battalion drills at least once in each year, exclusive of the legal regimental or battalion parades, or of legal brigade parades herein provided for; and any company of a regiment or battalion failing to report for duty at such assemblage for drill, or parading less than thirty-two rank and file, shall be reported through the proper military channels to the Adjutant-General, who shall notify the same to the Commander-in-Chief, who shall at his discretion disband the same; ^{Battalion and regimental drill.} ^{provided, that cavalry shall drill mounted at least twice in each year; and, provided, further, that when regiments are not concentrated, a portion of the companies may be assembled for battalion drill.}

SEC. 31. Each company shall assemble at least once a month for drill or military instruction; ^{Company drill, and penalty for absence.} *provided,* that the companies located in the City and County of San Francisco and in the City of Sacramento shall each assemble once a week for drill or military instruction; and all officers or members who shall

absent themselves from such assemblages for three consecutive assemblages without sufficient excuse, acceptable to the commanding officer, shall be debarred from the privileges and exemptions hereinafter provided for the National Guard; and if a non-commissioned officer or private shall be reported to the commanding officer of the regiment or battalion, he may upon the recommendation of the commanding officer of the company to which such non-commissioned officer or private belongs, at his discretion, expel such non-commissioned officer or private;

Commanders to report monthly. and, *provided*, further, that commanders of companies shall make a monthly report of the number of officers, non-commissioned officers, and privates present at such drills, such report being made to the Brigadier-General of the brigade, through the commanding officer of the regiment or battalion to which they are attached; commanding officers of batteries and unattached companies to report directly to the Brigadier-General of the brigade. The reports provided for in this section shall be transmitted by the Brigadier-General to the Adjutant-General of the State.

Parades. SEC. 32. The National Guard of California shall parade at least twice in each year, namely: July fourth, (national anniversary,) by regiment or battalion, if practicable, and September ninth, (anniversary of California's admission into the Union,) by company, which last shall be for target practice; *provided*, that such target practice shall be strictly in accordance with the usage of troops in the United States service, the results of such target practice to be reported to the commanding officer of the regiment or battalion to which such company is attached, who shall report the same to the General of Brigade; and, *provided*, further, that upon occasions of reception, or upon the celebration of any event of public importance, the commanding officer of the brigade shall have authority to order out any portion of the National Guard under his command to join such parade. Any company parading at any of the parades hereinbefore provided for with a less muster than forty rank and file shall be reported to the Adjutant-General, and by him notified to the Commander-in-Chief, who at his discretion may disband the same; *provided*, that no person under military orders for parade, drill, or other military service, shall be subject to arrest on civil proceeding while going to or on such parade.

Target practice.

Public receptions.

Arrest.

COURTS MARTIAL.

Officers empowered to appoint. SEC. 33. The Commander-in-Chief shall have power to appoint Courts Martial for the trial of general officers and all officers of the staff of the Commander-in-Chief. The Major-General shall have power to appoint Courts Martial for the trial of all staff officers of the division and brigades, and for the field and staff officers of battalions and regiments; and Brigadier-Generals shall have power to appoint Courts Martial for the trial of all Captains and commissioned officers under their rank in their respective brigades. The commanding officers of regiments and battalions shall have power to appoint Courts Martial for the trial of all non-commissioned officers, musicians, artificers, and privates of their respective regiments and battalions. The

commanding officer of a battery or of any unattached company shall have power to appoint Courts Martial the same as the commanding officer of a regiment or battalion; *provided*, that commanding officers of regiments, battalions, and batteries may appoint an officer of the same, before whom non-commissioned officers, musicians, artificers, and privates charged with offences punishable by Court Martial may be tried, who shall hear evidence, and determine the offence, and order the punishment that shall be inflicted. Such officer shall make a record of his proceedings, and submit the same to the brigade commander, who, upon the approval of the proceedings of such officer, shall order the same to be executed; such punishment to be limited to that authorized to be inflicted by a regimental Court Martial.

Punish-
ments to be
limited.

Powers of
Court Mar-
tial, punish-
ments, etc.

SEC. 34. Courts Martial shall have power to punish on conviction by depriving officers of rank, by expulsion, or dismissal, or by such other and usual military fines and penalties as is customary with Courts Martial in the army of the United States, and may, upon conviction, prohibit officers or soldiers from again joining the National Guard of the State. The officer appointing a Court Martial will revise the proceedings, and approve or disapprove the sentence of such Court Martial, and will direct the execution of such sentence, or mitigate the punishment, or may remit the sentence of the person or persons convicted; but the person or persons so sentenced may apply to the Commander-in Chief to revise the proceedings, and to disapprove them or pardon the offence, in which case the officer approving the sentence will transmit the proceedings in such case to the Commander-in-Chief, and the execution of the sentence shall be suspended until the proceedings shall be returned with the decision thereon. Courts Martial appointed under the provisions of this Act shall be organized in like manner and be subject to the rules and regulations governing Courts Martial in the United States army; they shall have the same power to compel the attendance of witnesses when duly summoned by the Judge-Advocate, to preserve order in and about the Court room during the session, and to punish contempt, as the Judges of the District Court have under the laws of this State.

No action in
certain cases
against off-
icer of Court
Martial.

SEC. 35. No action shall be maintained against any member of a Court Martial, or officer, or agent acting under his authority, on account of an imposition of a fine or the execution of a sentence on a person not liable to military duty if such person shall have been duly summoned and notified in writing of the charges preferred against him, and shall have neglected to appear and show his exemption before the Court.

Court of
Inquiry.

SEC. 36. Courts of Inquiry may be ordered by the Commander-in-Chief, by the Major-General, or by any Brigadier-General; and such Courts of Inquiry shall be governed by the same rules as similar Courts in the army of the United States.

Deputy
Sheriff or
Constable to
act as Pro-
vost Marshal

SEC. 37. The President of any General Court Martial assembled in pursuance of the provisions of this Act may make a requisition upon the Sheriff of the county in which the session is held for a Deputy Sheriff to attend upon such Court as Pro-vost Marshal, and it is hereby made the duty of said Sheriff to obey such requisition, and such Deputy Sheriff shall receive for his attendance the same pay and fees, and be subject to the same

Pay.

responsibility, as when attending upon the session of the District Court. And the President of any regimental, battalion, or company Court Martial, may make a requisition upon any Constable of the county to act as Provost Marshal of such Court, and such Constable shall obey such requisition, and shall receive the same pay and fees as in a Justice's Court; and the pay and fees of such Deputy Sheriff or Constable shall be paid on the certificate of the Judge-Advocate and warrant of the Controller of State, by the State Treasurer from the Military Fund, such account being first audited by the Board of Military Auditors.

SEC. 38. For all services under this Act, Sheriffs, Constables, and Jailors shall receive like fees as for similar services in other cases, and shall be subject to the same penalties for any neglect of duty.

Fines collectable by law.

SEC. 39. All fines imposed by a Court Martial lawfully constituted, after the proceedings and findings of said Court in the premises have been approved as prescribed by this Act, shall be and the same are hereby made collectable by law; and any person failing to pay the same shall be proceeded against by the District Attorney of the county in which the offence is committed, in the name of the people of the State, as for ordinary debts, in any Court of competent jurisdiction of the county; and a copy of so much of the findings and approval as relates to imposition and approval of such fine, certified by the officer authorized by law to approve the same, shall be received as evidence in the case; and if judgment be obtained, it shall be collected as in ordinary cases, and shall be paid into the Military Fund of the State.

Members of Courts deemed to be in active service.

SEC. 40. All members of Courts Martial or of Courts of Inquiry, duly appointed and organized, shall be deemed to be in active service, and shall be entitled to all the privileges and immunities as is hereafter provided for troops when in the active service of the State.

Duties.

SEC. 41. It shall be the duty of the Adjutant-General to take charge of and to carefully guard and preserve and to account for all arms, accoutrements, ammunition, ordnance stores, and other military property belonging to this State or granted to it by the Congress of the United States. He shall keep and file in his office all returns, reports, and military correspondence made by him in accordance with the provisions of this Act. He shall also keep an account of all moneys received and expended by him. The manner of keeping these accounts and papers, where not otherwise provided by law, shall be directed by the Commander-in-Chief, and they shall be always subject to his inspection. He shall, on or before the second Monday of December of each year, make to the Governor, to be by him laid before the Legislature, a report of all the transactions of his department since his last annual report, containing:

First—An account of all moneys received and expended;

Second—An account of all arms, accoutrements, ammunition, ordnance stores, clothing, and military property of every descrip-

Report.

tion belonging to the State, from what source received, to whom issued, or how expended, and by whose order;

Third—A statement of the present condition of all such property under his charge; and if any such property shall not be under his charge, he shall state in whose possession the same may be;

Fourth—The number, strength, and condition of the National Guard, and the strength of the enrolled militia of the State; he shall also make out and transmit an annual return of the militia of the State, pursuant to the requirements of the Act of Congress of March second, eighteen hundred and three, to the President of the United States, a copy of which, duly certified, he shall lay before the Commander-in-Chief of this State. He shall, under the direction of the Governor, prepare and keep in his charge all blank military commissions, and such other blanks as may be required for the service. He shall also perform all other duties appertaining to his office, or which may be enjoined on him by law. He shall be the medium of military correspondence with the Commander-in-Chief.

SEC. 42. Before entering upon the duties of his office, he shall give bonds to the people of the State of California, with good and sufficient sureties, to be approved by the Governor, in the sum of twenty-five thousand dollars, conditioned that he shall faithfully perform all the duties enjoined on him by law. If at any time the Governor shall deem the sureties so given to be insufficient, he shall require the Adjutant-General to give new sureties, to be approved by him; and if the Adjutant-General shall refuse or neglect to do so, the Governor shall suspend him from office, and immediately report his proceedings to the Senate, if the Legislature be in session, and if not, then at the beginning of the next session; and if the Senate approve such suspension, it shall be regarded as a removal from office; but if the Senate disapprove of the suspension, the Adjutant-General shall resume the duties of his office. During the time of his suspension from office he shall receive no portion of his salary; but if such suspension be disapproved he shall receive his back pay.

Penalty for
neglect to
give suffi-
cient sure-
ties.

SEC. 43. On the expiration of his term of office, the Adjutant-General, or the person performing his duties *ad interim*, shall turn over to his successors in good order, all arms, ordnance, ordnance stores, and other property belonging to the State, and all the books, papers, bonds, and money in his charge and pertaining to his office.

Property to
be returned
to State.

SEC. 44. The Adjutant-General shall have a seal of office, to be approved by the Commander-in-Chief, and all copies of records or papers in his office, duly certified and authenticated under the said seal, shall be evidence in all cases in like manner as if the originals were produced.

Seal of
office

PRIVILEGES AND EXEMPTIONS.

SEC. 45. All officers, non-commissioned officers, musicians, and privates of the National Guard, who shall fully comply with all the military duties provided in this Act, shall be entitled to the following privileges and exemptions, viz: exemption from payment of poll tax, road tax, and head tax of every description; exemption

Exemptions

from service on any *posse comitatus*. Horses, arms, equipments, military stores, and uniforms of all officers, non-commissioned officers, musicians, and privates, used for military purposes by the National Guard shall be exempt from execution. All officers, non-commissioned officers, musicians, and privates, who shall have faithfully served in the military service of this State for the space of seven consecutive years, and received the certificate of the Adjutant-General of the State, certifying the same, shall thereafter be entitled to exemption from further military service, except in time of war. And it is hereby made the duty of the Adjutant-General to issue such certificate of exemption when it shall appear that the party applying is lawfully entitled to the same.

List of
exempts to
be sent to
County
Assessor.

SEC. 46. It shall be the duty of each commander of a company of National Guard to make out a list, certified under oath before a Notary Public, on or before the first day of March of each year, of every officer, non-commissioned officer, musician, and private of the company entitled to exemption from tax, as is herein provided, which list shall be transmitted to the Colonel or commanding officer of the regiments or battalion to which such company belongs, who shall transmit the same, together with a list of his field and staff and non-commissioned staff, made out in like manner and certified by him under oath before a Notary Public, to the Brigadier-General commanding the brigade to which such regiment or battalion belongs, which lists, if found correct and approved of by such Brigadier-General, shall by him be served upon the County Assessor of the county in which such regiments, battalions, or distinct companies are located; and the County Assessor shall thereupon note opposite the names of all such officers, non-commissioned officers, musicians, and privates, such exemptions.

ALLOWANCES FOR EXPENSES.

Allowance
and payment
of monthly
expenses.

SEC. 47. It shall be the duty of the Board of Supervisors of each county in which there shall be one or more companies of the National Guard, to pay monthly, upon the order of the commanding officer of such company, for armory rent and incidental expense of an armory, care and cleaning of arms and military property in charge of such company, the sum of fifty dollars per month; and to the order of each commanding officer of a regiment, for incidental expenses of the regiment, the sum of twenty-five dollars per month; to commanders of battalions, the sum of three dollars per month for each and every company of their respective commands; and for a light battery, on the order of the commanding officer of the same, the sum of forty dollars per month for each gun; all such orders being first approved by the Brigadier-General of the brigade to which such companies, regiments, and batteries are attached; and, *provided*, that at the annual settlement of the several Treasurers of such counties with the State Treasurer, the amounts so paid or caused to be paid by the several Boards of Supervisors thereof shall be allowed and credited to such counties. There shall be audited and allowed by the Board of Military Auditors, and paid out of the Military Fund upon the warrant of the State Controller, to

each Brigadier-General of Brigade, the sum of one dollar per month for each and every military company in his brigade, to defray the expense of clerk hire, books, stationery, postage, express charges, and other necessary incidental expenses of his office.

SEC. 48. The sum of three hundred dollars annually shall be ^{Annual payments.} Quarterly statement of expenditures audited by the Board of Military Auditors and paid out of the Military Fund to each duly uniformed company of sixty active members, and in the same proportion to all uniformed companies, and be receipted for by the Captain or commanding officer of said company; and also the sum of one hundred dollars to each detachment of engineers, which shall be placed in and known as the Company Fund of said company, and be used for such purposes as the company officers may direct. A quarterly statement of the manner in which any portion of the same has been expended shall be made to the Adjutant-General of the State, duly certified by the commanding officer of the company; *provided*, that no company of the organized militia of this State shall be entitled to the benefits of this Act which have not complied with all its provisions, a certificate of which, signed by the commanding officer of the company and approved by the commanding officer of the battalion, regiment, and brigade to which such company may be attached, shall be filed with the Board of Military Auditors.

ARMS TO BE ISSUED TO TROOPS ONLY.

SEC. 49. No public arms, equipments, clothing, or military stores of any kind shall hereafter be issued to any person not a member of the National Guard, or of the enrolled militia called into active service, nor to any person under the age of eighteen years, except in time of war, insurrection, or public danger so imminent that the Commander-in-Chief shall consider that the public safety requires him to make such issue; in which case an accurate account shall be taken of such issues, and to whom they are made.

SEC. 50. From and after the passage of this Act it shall be ^{Issue of arms.} Penalty for retention or sale of arms. unlawful for any person or persons not a member of the National Guard to retain in possession any arms, equipments, clothing, or military stores, the property of the State or of a company of the National Guard; and any person or persons so having or retaining in possession arms, equipments, clothing, or military stores belonging to the State or the property of a company of the National Guard, shall be liable to be proceeded against for misdemeanor before any Court of competent jurisdiction, and upon conviction shall be subject to a fine in double the value of such arms, equipments, clothing, or military stores, or to imprisonment for a term not exceeding one month, at the discretion of the Court. And any member of the National Guard who shall dispose by sale or otherwise of any arms, equipments, clothing, or military stores, the property of the State, shall be liable to be proceeded against in like manner, and punished in the same manner.

MILITARY MUSTERS.

Musters, and muster rolls. SEC. 51. It shall be the duty of each and every commanding officer of any company of the National Guard in this State, upon the ninth day of September of each year, to muster and inspect his company, and to make out muster rolls, setting forth the names and number of the members of his company, the officers in the order of their rank, and the privates in alphabetical order; and stating at the foot of such muster roll a list of all arms, clothing, accoutrements, ordnance, and ordnance stores, and other property belonging to the State in his possession, one of which muster rolls, duly certified, he shall transmit through his commanding officer to the Adjutant-General of the State; and he shall file one with the Brigadier-General of the brigade to which he is attached. If such company shall form a part of any organized battalion or regiment, the commanding officer thereof shall transmit the same, with a muster roll of the field and staff officers of his regiment or battalion, to the Adjutant-General of the State, through the proper channels of military correspondence; *provided*, that when any regiment or battalion shall be composed of companies located in any one town or city of the State, the same may be mustered by its commanding officer as a regiment or battalion.

RANK.

Priority of rank. SEC. 52. All commissioned officers of regiments, battalions, and companies of National Guard shall take rank according to the date assigned them by their commissions; and when two of the same grade are of the same date, their rank shall be determined by length of previous military service in the State; and if of equal service, then by lot. Officers of regiments, battalions, and companies of National Guard shall in all cases be deemed of superior rank to officers of the enrolled militia of the same grade, irrespective of the date of their commissions.

COMMISSIONS.

Officers to be commissioned by Governor. SEC. 53. All military officers appointed or elected under the provisions of this Act shall be commissioned by the Governor, and each commission shall be countersigned by the Secretary of State, and attested by the Adjutant-General or officer acting in his place; and the officer so commissioned shall take the oath of office prescribed by the Constitution before some officer authorized by law to administer oaths, a copy of which oath shall be indorsed on or attached to each commission, and a certified copy of the same shall be made out by the officer administering it, and delivered to the officer taking it, and by him transmitted to the Adjutant-General through the proper military channel; and the commission shall be deemed as taking effect on the day of the indorsement and transmission of the certificate of the oath as herein provided; *provided*, that such certificate shall be transmitted within ten days after receiving the same. In case of promotion, the commission shall take effect from its date; *provided*, that all officers of the organized troops of the State now

When commission takes effect.

in service, and hereafter embodied in the National Guard to be organized under the provisions of this Act, shall continue to serve under their present commissions and until the same shall expire, when an election shall be held for two years as herein provided.

ACTIVE SERVICE.

SEC. 54. Whenever any portion of the National Guard shall have been called into active service to suppress an insurrection or rebellion, to disperse a mob, or to enforce the execution of the laws of this State or of the United States, it shall be competent for the Commander-in-Chief, or of the General acting in his place, to place such troops under the temporary direction of the Mayor of any city, or of the President of the Board of Supervisors of the Cities and Counties of Sacramento and San Francisco, or person acting in that capacity, of the Sheriff of any county, or of any Marshal of the United States. And if in the opinion of such civil officer it shall become necessary that the troops so called out shall fire or charge upon any mob, or body of persons assembled to break or resist the laws, such civil officer shall give a written order to that effect to the superior officer present in the command, who will at once proceed to carry out the order, and shall direct the firing and attack to cease only when such mob or unlawful assembly shall have been dispersed, or when ordered to do so by the proper civil authority. No officer who has been called out to sustain the civil authorities shall under any pretence or in compliance with any order, fire blank cartridge upon any mob or unlawful assemblage, under penalty of being cashiered by sentence of a Court Martial; *provided*, that nothing in this section shall be construed as prohibiting any such troops from firing or charging upon such mob or assembly without the orders of such civil officers, in case they shall first be attacked or fired upon, or forcibly resisted in discharge of their duty. When the Commander-in-Chief, or General acting in his place, shall call troops into active service for the purposes mentioned in this section, and shall not place them under the temporary direction of any civil officers, the commanding officers shall use his own discretion with respect to the propriety of attacking or firing upon any mob or unlawful assembly.

Troops may be placed under temporary direction of civil authorities.

Written order for firing and attack.

Troops may act in self-defence.

Commanding officer to use his own judgment.

GENERAL PROVISIONS.

SEC. 55. The Commander-in-Chief may from time to time make and publish rules, regulations, and orders for the government of the National Guard and enrolled militia of this State, in accordance with the provisions and spirit of this Act.

SEC. 56. Any company of the National Guard may, on its organization or thereafter, adopt a distinct name; but if attached, shall be known by a particular letter or number in the regiment or battalion to which it belongs.

SEC. 57. No person shall be a member of two companies at the same time; and any member of a company who removes beyond the limits of the county shall be considered as having been discharged from such company.

Person cannot be member of two companies.

Fines, etc., against minors. SEC. 58. In the case of military taxes and fines assessed and charged against a minor, the parent or guardian shall be held to pay. In case of minors who are orphans, the Commander-in-Chief shall have power to remit any military taxes or fines.

Discharges. SEC. 59. No officer of the National Guard inferior in grade to a regimental or battalion commander or unattached company shall have power to grant discharges to non-commissioned officers, artificers, musicians, or privates. All discharges shall be in writing, and shall set forth fully the cause of the discharge, and shall be signed by the officer granting the same.

Uniform. SEC. 60. The uniform of the National Guard shall be a dark blue cloth frockcoat and light blue cloth pants, of such style as the Commander-in-Chief shall direct, and the uniform of general officers and of all staff officers similar to officers of the same grade in the army of the United States.

Bands of music. SEC. 61. When bands of music shall not have been organized for any regiment or battalion in the manner provided in the regulations of the army of the United States, it shall be lawful for such regiment or battalion through its commanding officer to hire the service of any band of musicians at their own expense; and the persons so employed shall during the term of their engagement be subject to the same laws and regulations that govern the military with which they may serve.

Officers' pay. SEC. 62. Commissioned officers, while on active duty in the service of the State, shall receive the same pay and emoluments as paid to officers of the United States army of similar grade serving on the Pacific Coast; the same to be audited by the Board of Military Auditors upon the pay roll, properly made up, and signed by the officer so serving.

Parade grounds, and penalty for encroachment on same. SEC. 63. The commanding officer of any parade, review, or drill, and the officer in charge of any rendezvous, may cause the ground selected for that purpose to be marked or designated in such a manner as not to obstruct the passage of travellers on any public highway; and if any person during the occupation of such ground for such military purpose shall encroach upon such bounds or enter upon such ground without the permission of such officer commanding or in charge, he may be put and kept under guard by the order of such commander until the setting of the sun of the same day, and moreover shall be subject to arrest and punishment by any Court of competent jurisdiction for a breach of the peace.

Penalty for abusive words or insult. SEC. 64. If any person shall intercept, molest, or insult by abusive words or behavior any officer, non-commissioned officer, or private while in the performance of his military duty, he shall be immediately put under guard and kept at the discretion of the commanding officer of the forces engaged in the performance of said military duty, until the setting of the sun of the same day on which the offence shall have been committed, and moreover shall be subject to arrest and punishment by any Court of competent jurisdiction for a breach of the peace.

Abusive language to superiors. SEC. 65. Any officer, non-commissioned officer, or private on military duty who shall disobey the orders of his superior, use any reproachful or abusive language to his superior, or misbehave, or demean himself in an unofficer or unsoldierlike manner, shall be immediately arrested, if an officer, and if a non-com-

missioned officer, or soldier, shall be disarmed and put under guard, and shall be tried and punished by a Court Martial, according to law and military usage.

SEC. 66. For the payment of the expense of maintaining the National Guard of this State, the supply of clothing, equipments, rents of armories, and all necessary expenses for the organization and establishment of the National Guard under the provisions of this Act, there shall be levied and collected, as other taxes of the State are levied and collected, the sum of five cents on each one hundred dollars of taxable property, which shall be paid into the Military Fund, subject to the order of the Board of Military Auditors on warrants of the Controller of State.

SEC. 67. All officers and soldiers of the National Guard of ^{Oath.} the State of California, on becoming members and before performing duty, shall take and subscribe the following oath, which all commissioned officers thereof are hereby authorized to administer:

You do solemnly swear, and pledge your honor, that you will support the Constitution of the United States and the Constitution of the State of California, and that you will maintain and defend the laws, and all officers lawfully employed in administering the same.

Said oath, certified by the officer administering the same, shall be returned to the Adjutant-General, and be preserved with the rolls of companies.

SEC. 68. The rules of discipline and regulations of the army of the United States shall, so far as the same may be applicable, constitute the rules of discipline and regulations of the National Guard and enrolled militia of this State; and the rules and articles of war established by Congress for the army of the United States shall be adopted, so far as they may be applicable, for the government of all troops of California in active service.

SEC. 69. Commanders of regiments and battalions shall have ^{Chaplains.} authority to appoint a Chaplain.

SEC. 70. Commanders of regiments and battalions are hereby ^{Drum Majors.} authorized to concentrate the music of their different commands, and to organize the same under a Drum Major as a drum corps.

SEC. 71. Regimental, battalion, and company rules of government, and by-laws regularly adopted and approved by such regiments, battalions, or companies, not inconsistent with the provisions of this Act or with military discipline and government, may be adopted and enforced in such regiments, battalions, and companies; and all fines and penalties for non-attendance upon drills, parades, and inspections, legally determined and imposed under the provisions of such rules and by-laws, shall be collected by process, as in civil cases, in the name of the people of the State of California, before a Justice of the Peace; and the books and records of regiments, battalions, and companies shall be received in such cases as evidence of the indebtedness; and the proceedings held under which delinquents are fined shall be admitted as evidence before such Justice of the Peace.

*Levy of tax
to pay
expenses.*

*Rules and
regulations
to be same as
of U. S. army*

*Rules and
by-laws
of regiments,
battalions,
and com-
panies.*

*Collection of
fines.*

Dismissal for disgraceful cause a bar to re-entry. SEC. 72. No non-commissioned officer, artificer, musician, or private expelled from his company, or dismissed from service for any disgraceful cause, shall be permitted to again enter any company of the National Guard, except the offence be pardoned by the Commander-in-Chief.

No fee for administering oath. SEC. 73. No fee shall be chargeable by any officer for administering and certifying any oath required by this Act.

Repeal. SEC. 74. The Act approved April twenty-fourth, eighteen hundred and sixty-two, entitled an Act in relation to the militia of the State; and the Act approved April twenty-fifth, eighteen hundred and sixty-three, entitled an Act amendatory of and supplementary to an Act entitled an Act in relation to the militia of this State, approved April twenty-fourth, eighteen hundred and sixty-two; and the Act approved February tenth, eighteen hundred and sixty-four, entitled an Act amendatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act in relation to the militia of this State, approved April twenty-fourth, eighteen hundred and sixty-two, approved April twenty-fifth, eighteen hundred and sixty-three, and all other Acts in conflict with the provisions of this Act, except so far as the same applies to the enrolled militia of this State, are hereby repealed.

SEC. 75. This Act shall take effect from and after its passage.

CHAP. DXLII.—*An Act to establish a Quarantine for the Bay and Harbor of San Francisco, and sanitary regulations for the City and County of San Francisco.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Quarantine grounds. SECTION 1. The quarantine grounds of the Bay and Harbor of San Francisco shall be at the anchorage of Sausalito, on said bay, and shall embrace the space of one mile in the bay around said Town of Sausalito.

Officer. SEC. 2. There shall be a Quarantine Officer in and for the State of California. He shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold office two years. He shall be a medical graduate of some college in good standing. He shall perform such duties as shall be required of him, and shall reside in San Francisco.

Powers. SEC. 3. The Quarantine Officer shall have power and it is hereby made his duty to order all vessels to the quarantine grounds which are subject to quarantine, and generally to perform all acts which quarantine officers are usually authorized by law to perform.

Board of Health. SEC. 4. There shall be a Board of Health in and for said city and county, consisting of the Mayor, who shall be ex officio President, the Quarantine Officer, the Coroner, the President of the Chamber of Commerce, and the Chairman of the Committee

on Health and Police of the Board of Supervisors, who shall serve without compensation, and shall be authorized to administer oaths.

SEC. 5. The Board of Health shall have general supervision of all matters appertaining to the sanitary condition of the said city and county, and full powers are hereby given to said Board to adopt such measures and make such orders and regulations as at any time in their opinion the public safety may require and not in contravention of any law; but such orders and regulations shall not take effect until the same be approved by resolution or order of said Board of Supervisors. They shall have power to declare any place or port where they shall have reason to believe a pestilential, contagious, or infectious disease (especially small pox, or Asiatic cholera, or yellow fever) is probably prevailing to an alarming extent, to be an infected place or port, and to fix the period for so considering such place. This declaration shall be made by publication one week in three of the leading newspapers published in San Francisco; but this declaration shall not be legally binding till approved by said Board of Supervisors and the Governor.

SEC. 6. It shall be the duty of shipmasters bringing vessels into the Harbor of San Francisco, and of masters, owners, or consignees having vessels in said harbor, which have on board any cases of small pox, or Asiatic cholera, or yellow fever, to immediately report the same in writing to the Quarantine Officer before landing any passengers, casting anchor, or coming to any wharf, or as soon thereafter as they or either of them shall become aware of the existence of either of these diseases on board of said vessel. Shipmasters
to report
disease.

SEC. 7. Any captain, owner, or consignee neglecting to comply with the directions of the Quarantine Officer, given in the legal discharge of his duties, or failing to comply with all the provisions of this Act, shall be deemed guilty of a misdemeanor, and fined in a sum not less than one hundred dollars nor more than five hundred dollars. Penalty for
neglect.

SEC. 8. It shall be the duty of every pilot who shall conduct into the Port of San Francisco any vessel subject to quarantine or to examination by the Quarantine Officer: Duties of
pilots.

First—To bring said vessel no nearer the town than is allowed by section ten of this Act;

Second—To prevent any person from leaving and any communication being made with the vessel under his charge till the Quarantine Officer shall have boarded her, and shall have given the necessary orders and directions;

Third—To be vigilant in preventing any violation of the quarantine laws, and to report, without delay, all such violations that come to his knowledge to the Quarantine Officer;

Fourth—To present the master of the vessel with a printed copy of the quarantine laws, unless he have one already.

SEC. 9. Every master of a vessel subject to quarantine or visitation by the Quarantine Officer, arriving in the Port of San Francisco, who shall refuse or neglect either: Penalty for
shipmaster
neglecting
to comply
with san-
itary regu-
lations.

First—To proceed with and anchor his vessel at the place assigned for quarantine, when legally directed so to do; or,

Second—To submit his vessel, cargo, and passengers, to the

examination of the Quarantine Officer, and to furnish all necessary information to enable that officer to determine to what length of quarantine and other regulations they ought respectively to be subject, or neglect to report all cases of disease mentioned in this Act, and all cases of death occurring on his vessel, and to comply with all the sanitary regulations of said bay and harbor, shall be guilty of a misdemeanor, and be punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding three months, or by both such fine and imprisonment.

Vessels subject to quarantine.

SEC. 10. All vessels arriving off the Harbor of San Francisco from ports which have been legally declared infected ports, and all vessels arriving from ports where there shall be prevailing at the time of their departure any contagious, infectious, or pestilential diseases, (especially small pox, Asiatic cholera, or yellow fever,) or vessels with decaying cargoes, or which have unusually foul and offensive holds, shall be subject to quarantine; and it shall be the duty of the master, owner, pilot, or consignee to report any and all such vessel or vessels to the Quarantine Officer without delay. No such vessel shall cross a right line drawn from Black Point to Alcatraces Island, till the Quarantine Officer shall have boarded her and given the order required by law, except some other line may be hereafter fixed by the Board of Health, and approved by the Governor.

How far they may come.

Duty of Health Officer.

SEC. 11. It shall be the duty of the Health Officer to aid in carrying into effect the provisions of this Act, and also to perform such other duties as now are or hereafter may be required of him by the Board of Supervisors not inconsistent with any provisions of law.

Fees.

Salary of Quarantine Officer.

SEC. 12. The Board of Health shall establish the rate of fees which shall be charged vessels in pursuance of this Act, which shall not exceed fees for similar services allowed in New York, and the Quarantine Officer shall collect the same and pay them weekly into the City Treasury, to the credit of the General Fund; and he may be allowed for his services as Quarantine Officer one hundred dollars per month, by the Board of Supervisors, and such necessary expenses as he may incur in the discharge of his duties, after the same shall have been approved by the Board of Health, to be paid out of said General Fund; *provided*, he collect so much for fees; but in no case shall he receive more in any one month than he collects during said month.

Clerk of Board of Health.

SEC. 13. The Board of Health may appoint a Clerk, and the Supervisors may order paid, the Auditor audit, and the Treasurer pay, twenty-five dollars per month from the General Fund; the Auditor shall audit and the Treasurer pay all other sums allowed under this Act out of said General Fund.

SEC. 14. This Act shall take effect immediately.

CHAP. DXLIII.—An Act relating to fire and marine insurance companies.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any thirteen or more persons who may desire to form a fire or marine insurance company, or both, may make, sign, and acknowledge before some officer competent to take acknowledgement of deeds, and file in the office of the Clerk of the county in which the business of the company shall be carried on, and a certified copy thereof in the office of the Secretary of State, a certificate in writing, in which shall be stated the corporate name of the company, the amount of its capital stock, the term of its existence, (not to exceed fifty years,) the number of shares of which the stock shall consist, the number of Directors, and their names, who shall manage the concerns of the company for the first year, and the names of the city, or town, and county in which the office of the company is to be established.

Sec. 2. When the certificate shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same, and their associates, shall be a body politic and corporate by the name stated in the certificate.

Sec. 3. The business of such company shall be managed by not less than seven Directors, a majority of whom shall be citizens of this State. They shall, except those of the first year, be annually elected by the stockholders, at such time and place as shall be directed by the by-laws of the company, and shall hold office till their successors are duly elected. Notice of the time of holding such election shall be published not less than ten days previous thereto in some newspaper published in the county where the office of the company is situated, and such election may be postponed from day to day, unless a majority of the stock shall be represented at such meeting; and the election shall be held by such of the stockholders as shall attend in person or by proxy; but no election shall be valid unless a majority of the stock is represented. All such elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in the said company, and the persons receiving the greatest number of votes shall be Directors. And when any vacancy shall happen among the Directors, by death, resignation, or otherwise, it shall be filled for the remainder of the year by a majority of the Directors remaining in office.

Sec. 4. There shall be a President of the company, who shall be a stockholder in the company, and also such subordinate officers as the company by its by-laws may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their office as the company by its by-laws may require.

Sec. 5. It shall be lawful for the Directors to call in and demand from the stockholders respectively all such sums of

President,
and subordi-
nate officers.

**Payment of
subscrip-
tions.** money by them subscribed at such times and in such payments or instalments as the Directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for and all previous payments made thereon, if a personal demand be made or notice requiring such payment shall have been published for six successive weeks, in the same manner as hereinbefore provided for the annual election in section three. The capital shall

**Capital to be
paid in with-
in 12 months.** all be paid in within twelve months from the filing of the certificate, and nothing but money shall be considered as payment of any part of the capital stock; and it shall not be lawful for any company to issue any policy of insurance until twenty-five per cent of the capital stock is paid up.

**Stock trans-
ferable.** SEC. 6. The stock of such company shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no share shall be transferable until all previous calls thereon shall have been fully paid.

**Copy of
certificate
evidence.** SEC. 7. The copy of any certificate of incorporation filed in pursuance of this Act, certified by the County Clerk or his deputy to be a true copy of such certificate, shall be received in all Courts and places as presumptive legal evidence of the facts therein stated.

**Property
which may
be insured.** SEC. 8. Every company incorporated under this Chapter may make insurance upon vessels, freight, money, goods, and effects, and on money lent upon bottomry and respondentia; and they may also make insurance against fire on any dwelling house or other buildings, and on merchandise or other property, wherever situated; and they may cause themselves to be re-insured, at the discretion of the officers of the company.

**May hold
and convey
real estate.** SEC. 9. Every such company may purchase, hold, and convey such real estate as may be necessary for the accommodation of its business, not exceeding in value one hundred thousand dollars; also such as has been mortgaged or pledged to it as security for loans, or conveyed in trust for its benefit, or sold to it in discharge of loans.

**Certificate of
capital paid
in to be filed
with County
Clerk.** SEC. 10. The President and a majority of the Directors, within thirty days after the payment of the last instalment of the capital stock so fixed and limited by the company, shall make a certificate, stating the amount of the capital so fixed and paid in, which certificate shall be signed and sworn to, by the President and a majority of the Directors; and they shall, within the said thirty days, record the same in the office of the City and County Clerk or the city and county wherein the business of the said company is carried on.

**Annual
sworn state-
ment to be
made and
published.** SEC. 11. Every such company shall, annually, within twenty days from the first day of January, make a statement, which shall be signed by the President and a majority of the Directors, and shall be verified by the oath of the President and Secretary of said company, and shall cause the same to be published in the town or city, or if there be no newspaper in said city or town, then in some newspaper published nearest the place where the business of the company is carried on; and shall file a certified copy of said statement with the Controller of State. Said statement shall show:

First—The name and location of the company.

Second—The amount of its capital stock.

Third—The amount of its capital stock paid up.

Fourth—The assets of the company, including:

Contents
of annual
statement.

1st—The value of unencumbered real estate owned by the company.....	\$.....
2d—Loans on bond and mortgages (first liens).....	.....
3d—Interest due and unpaid on said mortgages.....	.....
4th—Interest accrued but not due on said mortgages.....	.....
5th—The company's valuation of the said mortgaged premises.....	.....
6th—Insurance in other companies on buildings conveyed by said mortgage, held as collateral.....	.....
7th—Insurance in this company on buildings conveyed by said mortgage, held as collateral.....	.....
8th—Amount of cash on hand in company's office....	.....
9th—Cash deposited in (stated banks) bank.....	.....
 Total amount cash items.....	\$.....
10th—Amount of stocks, bonds, and all other securities (mortgages excepted) held as security for cash actually loaned by the company, (giving par value and market value of same.)	

Par Value. Market Value. Amount Loaned.

Total, \$	\$.....	\$.....	\$
11th—Amounts of stocks of the States of California, Nevada, Oregon, and of the United States, and all other stocks and bonds absolutely owned by the company, giving par value and market value of same:			

<i>Par Value.</i>	<i>Market Value.</i>	<i>Total Amounts.</i>	
\$	\$.....	\$.....	\$
12th—Amount due the company on which judgment has been obtained.....			\$.....
13th—Interest, (except on mortgages,) accrued but not due.....		
14th—Amount of premiums due and unpaid.....		
15th—Amount due for rents, including rents accrued but not due..		
16th—All other securities.....		
 Aggregate amount of all assets.....			\$.....

Fifth—The liabilities of the company are as follows:

1st—Losses adjusted, due and unpaid.....	\$.....
2d—Losses adjusted, but not due.....	.....
3d—Losses unadjusted.....	.....
4th—Losses in suspense, waiting further proof.....	.....
5th—All other claims against the company.....	.....

Aggregate liabilities..... \$.....

Contents
of annual
statement.

Sixth—The income of the company for the year just closed, as follows:

1st—Net cash premiums, received for fire risks.....	\$.....
2d—Net cash premiums received for marine risks.....	.....
3d—Amount received for interest on bonds and mortgages.....	.....
4th—Amount received for interest from all other sources .....	.....
Aggregate amount of income received during the year.....	\$.....

Seventh—The expenditures of the company for the year just closed, as follows:

1st—Amount paid for fire losses.....	\$.....
2d—Amount paid for marine losses.....	.....
3d—Cash dividends actually paid during the year.....	.....
4th—Paid for commissions to other than officers and Directors .....	.....
5th—Amount paid during the year for salaries, fees, and all other charges for officers and Directors..	.....
6th—Paid for salaries, fees, and all other charges (excluding commissions of agents, clerks, and other employés).....	.....
7th—Amount paid for State and local taxes.....	.....
8th—Amount paid for national taxes and duties.....	.....
9th—Amount of all other payments and expenditures, consisting of agency, advertising, printing, rent, and office expenses.....	.....
Aggregate amount of expenditures during the year.....	\$.....

Eighth—Amount of losses incurred during the year, including those reported and disputed..... \$.....

Ninth—Risks written during the year, and in force December thirty-first, as follows:

1st—Net amount of fire risks written during the year	\$.....
2d—Net amount of marine risks written during the year.....	.....
3d—Amount of fire risks in force December thirty-first	.....
4th—Amount of marine risks in force December thirty-first .....	.....

Total amount of risks in force December thirty-first

Tenth—Miscellaneous items, as follows:

1st—Total amount loaned to Directors of the Company \$.....

2d—Least amount of company's stock owned by any one Director.....	.....	Contents of annual statement.
3d—Amount of company's stock owned by all of the Directors.....	.....
4th—Cash dividends declared to stockholders during the year.....	.....
5th—The greatest amount insured in any one risk...	.....
6th—The greatest amount insured in any one block or square.....	.....
7th—The greatest amount allowed by the rules of the company insured in any one city, town, or village .....	.....

And if any of said companies shall fail so to do, all the Directors of the company shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be contracted until such report shall be made.

SEC. 12. If the Directors of any such company shall declare and pay any dividends when the company is insolvent, or any dividend the payment of which shall render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be thereafter contracted while they shall respectively continue in office; *provided*, that if any of the Directors shall object to the declaring of such dividend, or the payment of the same, and shall, at any time before the time fixed for the payment thereof, file a certificate of their objection, in writing, with the Clerk of the company and with the County Clerk, they shall be exempt from the said liability.

SEC. 13. If any of the said companies shall be under liabilities for losses to an amount equal to their capital stock, and the President or Directors, after knowing the same, shall make any new or further insurance, the estates of all who shall make such insurance, or assent thereto, shall be severally and jointly liable for the amount of any loss which shall take place under such insurance.

SEC. 14. The President and Directors of every such company shall, whenever required by the Legislature, lay before them a full and complete statement of the affairs of the company, and submit to an examination, on oath, concerning the same.

SEC. 15. The said companies shall never take on any one risk, whether it be a marine, or an insurance against fire, a sum exceeding one tenth part of their capital actually paid in, without re-insuring the excess above one tenth.

SEC. 16. If any certificate or report made, or public notice given, by the officers of any such company in pursuance of the provisions of this Act, shall be false in any material representation, all the officers who have signed the same, knowing it to be false, shall be jointly and severally liable for all the debts of the company contracted while they are stockholders or officers thereof.

SEC. 17. Any insurance company organized by virtue of the laws of this State may increase the capital stock and number of shares thereof, or either, by causing notice of intention to increase said capital stock and number of shares, or either, to be published in two newspapers published in the county where

said company may have its principal place of business, at least once a week for four consecutive weeks, before action be taken thereon ; *provided*, that two thirds of the stock shall vote thereon and in favor of such increase, at a meeting duly called according to the by-laws of the company ; and upon the adoption of such increase of capital stock or shares, a certified copy of the resolution adopting such increase shall be deposited in the offices of the County Clerk and the Secretary of State, as directed in section one of this Act.

Investment of funds.

SEC. 18. Every such company shall have power, either by its Board of Directors or by its Finance or Executive Committee, as the by-laws may direct, to invest its funds in loans upon real estate or personal securities, or by purchases of stocks, bonds, or other securities ; *provided*, that no loan shall be made upon the stock of the company as security.

Quorum of Directors.

SEC. 19. Fire or marine, or fire and marine insurance companies under this Act, may, by their by-laws, determine what number of Directors (not less than five) shall constitute a quorum for the transaction of business.

Signatures to policies of insurance.

SEC. 20. All policies of insurance made by such companies shall be subscribed by the President, or, in case of his death, inability, or absence, by the Vice President or any two of the Directors, and countersigned by the Secretary of the company ; and they shall be binding upon the company in like manner as if executed under the corporate seal thereof.

Dividends.

SEC. 21. The Directors of every such company, at such times as their charter or by-laws shall prescribe, shall make dividends of so much of the profits of the company and of the interest arising from their capital stock as to them shall appear advisable ; but the moneys received and notes taken for premiums on risks which shall be undetermined and outstanding at the time of making such dividend, shall not be considered as part of the said profits.

Existing companies may adopt provisions of this Act.

SEC. 22. Any fire or marine, or any fire and marine insurance company organized and now existing under the laws of this State may adopt the provisions of this Act by filing in the office of the Clerk of the county in which the business of the company is carried on, a resolution signed by the President and Secretary of such company, with the corporate seal affixed thereto, referring to this Act by its title and date of its approval, and declaring that such company does thereby adopt the provisions of this Act ; and it shall be the duty of the County Clerk in whose office such resolution may be filed to forward to the office of the Secretary of State a certified copy of such resolution, and from and after the filing of such resolution in the office of the County Clerk, such corporation shall, so long as it shall thereafter exist, during the remainder of its corporate term be vested with all and singular the privileges and powers and be subject in all respects to the liabilities and penalties of this Act in like manner and to all intents and purposes as though originally created under the provisions hereof.

Repeal.

SEC. 23. Chapter second, sections thirty-three to fifty-three, inclusive, of an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and all Acts amendatory of said Chapter, and an Act entitled an Act to

provide for the incorporation of mutual insurance companies, passed April twenty-sixth, eighteen hundred and fifty-one, are hereby repealed in so far as the same are in conflict with the provisions of this Act; *provided*, that no rights accrued or to accrue, or liabilities incurred or to be incurred under said Acts shall in any way be affected or impaired hereby; and, *provided*, also, that this Act shall not affect such companies as do not elect to re-organize under this Act pursuant to section twenty-three; and such companies shall be subject only to the duties and liabilities imposed by the laws under which they were organized, anything in this Act to the contrary notwithstanding. Corporations formed or existing under or by virtue of this Act shall not nor shall the members or stockholders thereof be subject to the conditions and liabilities of an Act entitled an Act concerning corporations, passed April twenty-second, A. D. eighteen hundred and fifty, or any amendment thereto.

CHAP. DXLIV.—*An Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City and County of San Francisco.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The right is hereby granted to Edward Tompkins, J. C. Birdseye, Elijah Case, William F. Williamson, W. H. Ladd, J. W. Pierson, John Kirkpatrick, and G. W. McManauy, their associates and assigns, to lay down and maintain an iron railroad within the City and County of San Francisco, along and upon the following route, viz: Commencing at the intersection of Post and Montgomery streets, in said City of San Francisco; thence along and upon Post street to Powell street; thence along and upon Powell street to Market street; thence across Market street to its intersection with Fifth street; thence along and upon Fifth street to Townsend street; thence to the bridge over Mission Bay; thence across Mission Bay over and upon said bridge to the New Potrero; thence over and across the Potrero in a southerly direction on Kentucky street; thence southerly by the most practicable route to the Bay View Park Race Course or to Hunter's Point; *provided*, that whenever any other railroad or company shall be granted the use of the same street or any part thereof, they shall pay for the use of the rails already laid an equal share of the cost of constructing and maintaining the railroad on the street or part of the street thus occupied jointly, and thereupon shall be entitled to the joint use of such part of said railroad; but no such grant shall be made for more than five blocks in all. The said road to have a single or double track, at the option of said grantees; the rails to be of the most approved pattern used on city railroads, with the proper and necessary switches and turnouts along the entire route; the said grantees, their associates and assigns, to have the right to run cars on the said railroad, not exceeding twenty-four

*Track, rails,
and cars.*

Proviso.

feet in length, at convenient hours of the day and night, for the transportation of passengers and freight; *provided*, that the said railroad shall not cross Mission Bay Bridge nor in any manner interfere with any improvements, structure, or buildings, unless by and with the written consent of the owners thereof.

Repairs of streets.

SEC. 2. The owners of said railroad shall pave, plank, or macadamize (as the proper authorities of said City and County of San Francisco shall direct) the streets through which the said railroad shall run, along the whole length thereof, for a width extending two feet on each side of said road, and shall keep the same constantly in repair; *provided*, that south of Mission Bay the grantees shall not be compelled to pave and plank or macadamize as aforesaid any of said streets until they shall be graded.

Gauge, and style of construction

SEC. 3. The gauge of said railroad shall not be more than five feet wide within the rails, with a space between the double tracks sufficient for the passage of the cars. It shall be laid as nearly as possible in the centre of each street and flush with the level of the street, and so as to offer as little obstruction as possible to the crossing of vehicles; and when the road herein provided for shall intersect any other road the rails of each shall be so altered or cut as to permit the cars to cross without obstructions; and nothing in this Act shall be so construed as to prevent any other railroad company hereinafter formed from crossing the road herein mentioned at any point in like manner in the City and County of San Francisco.

Fares.

SEC. 4. The rates of fare for each passenger upon said railroad shall not exceed three tickets for twenty-five cents, seven tickets for fifty cents, sixteen tickets for one dollar, and twenty-five tickets for one dollar and fifty cents, from any point on said road to the high land south of Islais Creek, and from any point on said road to any point beyond said high land the fare shall not exceed double the amount of fare provided for in this section; *provided*, that the rates of fare on this road shall not exceed the rates allowed to be charged on the Omnibus Railroad to the highlands beyond Islais Creek.

Cars, and motive power.

SEC. 5. The cars upon said railroad shall be of the most approved construction for the comfort and convenience of passengers, and shall be provided with sufficient brakes and other means of stopping the same when required. They shall be moved by horses or mules, and not otherwise, and at a speed not exceeding eight miles an hour; and in case of a violation of this provision the owner or owners of said railroad shall be subject to a fine not exceeding one hundred dollars for each offence.

Obstructions

SEC. 6. Any person wilfully obstructing said railroad shall be deemed guilty of a misdemeanor, and punished accordingly.

Duration of franchise.

SEC. 7. The franchises and privileges hereby granted shall continue for the period of twenty-five years, to date from the completion of said railroad; *provided*, that said railroad, at least upon a single track, shall be completed and passenger cars running thereon within three years from the first day of July, eighteen hundred and sixty-six, and the grantees shall within one year from the passage of this Act commence the construction of said road.

Commencement, and completion.

SEC. 8. The owners of said railroad are required to sell, transfer, and convey the same, together with the cars that may be employed thereon, to the City and County of San Francisco at any time after the expiration of fifteen years after the completion of the same, upon a demand being made to that effect by the said city and county, and upon the payment to said parties by said city and county of the appraised value of the same; said appraisal to be made by five Commissioners in the manner following: The Board of Supervisors of the City and County of San Francisco shall appoint two Commissioners, and notify the grantees or their assigns of such appointment, who within ten days after the receipt of such notice shall appoint two Commissioners, and notify the Board thereof; the four Commissioners so appointed shall elect a fifth; but in case of their inability to agree upon such fifth Commissioner within ten days, he shall be appointed by the County Judge of said city and county. In case of the failure of the grantees or their assigns to appoint Commissioners on their part as above provided, or in case of their refusal to act, the County Judge shall have the power of appointing them. The said Commissioners shall make their appraisement and present their report within thirty days after the completion of the commission, and file the same in the office of the Clerk of the Board of Supervisors. A majority of said Commissioners shall constitute a quorum, and the award of the majority shall be final and binding on the parties. The amount of the award shall be paid by the Treasurer of the city and county to the grantees or their assigns within sixty days after the filing of said award, and thereupon the title to said railroad and cars shall vest in said city and county.

SEC. 9. Nothing in this Act shall be so construed as in any wise to prevent the proper authorities of the said City and County of San Francisco from sewer ing, grading, paving, planking, repairing, or altering any of the streets hereinbefore specified. But all such work shall be done, if possible, so as not to obstruct the free passage of the cars upon the said railroad; and when the same shall not be possible, the said authorities, before the commencement of said work, shall allow to the owners of said railroad time sufficient to enable them to shift the rails or take other means so as to avoid said obstruction during the continuance thereof, which they, the said owners, are hereby authorized to do.

SEC. 10. The owners of said railroad shall pay to the City and County of San Francisco the sum of fifty dollars per annum as a license upon each car used by them upon said railroad, which payment shall be made quarterly to the said city and county.

SEC. 11. The Board of Supervisors of the City and County of San Francisco, or their legal successors, are hereby authorized and empowered to grant to the said parties named in the first section of this Act, their associates and assigns, such additional rights, privileges, and grants, as said parties, their associates and assigns, may desire or deem necessary for the full and complete enjoyment of the franchises and privileges created and granted by this Act.

CHAP. DXLV.—An Act to authorize the Controller of State to credit F. S. Lardner, late Treasurer of Sacramento County, with certain moneys for licenses lost by the Collector, and to authorize the Auditor of Sacramento County to credit James McClatchy, late Sheriff of Sacramento County, for certain lost licenses.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is authorized and required to credit F. S. Lardner, late Treasurer of the County of Sacramento, with the sum of one hundred and sixty dollars for the State's portion of certain State and county licenses, destroyed or carried away by an absconding Deputy of James McClatchy, late Sheriff and ex-officio Tax Collector of said county; and the Auditor, of the County of Sacramento, when authorized by the Board of Supervisors of the County of Sacramento, is directed to credit James McClatchy, late Sheriff and ex-officio Tax Collector as aforesaid, with that county's portion of the licenses thus carried away or destroyed; *provided*, the amount so credited shall not exceed the sum of six hundred and thirty-six dollars and twenty-five cents.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. DXLVI.—An Act to provide for the incorporation of mutual insurance companies for the insurance of life and health, and against accidents.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Formation of company. **SECTION 1.** Any number of persons, not less than thirteen, may associate and form a mutual insurance company for the purpose of making insurance on the lives or health of individuals, or against accidents to them, and every insurance appertaining thereto or connected therewith, and to grant, purchase, and dispose of annuities. Insurance on lives, or on health, or against accidents, may in each case respectively include insurance for the whole term of life or any shorter period.

Words construed. **SEC. 2.** Whenever a publication or notice in a newspaper is provided for in this Act, it shall be deemed to mean a publication or notice in a newspaper issued every day, or six days in the week, or if there be none such, then in one of the most frequent issue in each week in the place where the company's office is located, or, if none be published there, then in any such newspaper published in the same or an adjoining county. Whenever such publication or notice is required to be published for a given period of time in days or weeks, it shall be sufficient if published once in each week of such period, rejecting fractions

of a week. The word "company," whenever used in this Act, shall be construed to mean a corporation proposed or incorporated under the provisions of this Act. Any act required by this Act to be performed by the President of the company, may be performed by the Vice-President in case of the President's inability to act or a vacancy in the office, whatever be the cause of such inability or vacancy, whether death, illness, absence, refusal to act, or otherwise.

SEC. 3. The persons mentioned in the first section of this Act shall make, sign, and acknowledge before any officer competent to take the acknowledgment of deeds, a written certificate of incorporation, in which shall be specified the corporate name of the company, and that such company is formed under this Act, referring to it by its title and date, and any Acts supplementary thereto or amendatory thereof, the amount of its capital stock, and the number of shares of which such capital stock shall consist, the term of its existence, which shall not exceed seventy-five years, the number and the names of the Directors who shall manage the concerns of the company for the first year, or until the first annual election, and the name of the city, or town and county, or city and county in which the officer [office] of the company shall be located. They shall file said certificate in the office of the County Clerk of the county or city and county in which the office of the company shall be located, and also a copy thereof, certified by the said County Clerk under his hand and seal to be a true copy, in the office of the Secretary of State. Every company organized under this Act shall have power to make insurance upon any or all of the risks, and to do any or all of the business mentioned in section one, and to make re-insurance of any risks taken by them respectively. A copy of said certificate of incorporation, certified by the said County Clerk under his hand and seal to be a true copy, shall be, prima facie, equal in all cases as proof to the original if produced.

SEC. 4. Upon the filing of said certificate and of a certified copy thereof, as in section three provided, the persons who shall have signed and acknowledged such certificate, and their successors, shall be a corporation under the laws of this State, by the name specified in the certificate.

SEC. 5. The concerns of every such company shall be managed by a Board of Directors, not less than nine, who shall be stockholders of the company in such number of shares as shall be provided by the by-laws of the company. The majority of them shall be citizens of this State. Their term of office may be one, two, or three years, as shall be provided by the by-laws of the company. After the expiration of the term of office of the Directors named in the certificate of incorporation, they shall be elected each year at the annual meeting. If their term shall be more than one year, the Directors chosen at the first annual meeting shall classify themselves by lot, so that one half of them shall go out of office at the end of the first year, if the term be two years, or so that one third of them shall go out of office at the end of the first year, and one third at the end of the second year, if their term be three years. The annual meeting

When Vice-Pres.
President may act
as President.

Certificate of incorpo-
ration.

To be filed
with County
Clerk.

Certified
copy.

Incorpora-
tion.

Board of
Directors.

Annual meeting and election. shall be at such time and place in the town or city where the company's office is located, as shall be directed by the by-laws of the company. Notice of such meeting, time, and place, shall be published in a newspaper at least four weeks previous thereto. The election shall be by such stockholders as shall attend in person or by proxy, and each stockholder shall have one vote for each share of stock owned by him; *provided*, that after the filing of the declaration of the company's fixed capital, in section nine of this Act provided, the holders of policies of life insurance for the term of life, on which the premiums shall not be in default, may also vote at the election of Directors, and shall have one vote for each one thousand dollars insured by their policies, respectively. The election shall be by ballot, and the persons receiving the highest number of votes cast shall be the Directors for the ensuing term, and until their successors shall be elected. The number of Directors specified in the certificate of incorporation may be altered from time to time during the existence of the company, by resolution, at the annual meeting, of a majority of those present in person entitled to vote at the election of Directors, but the number shall never be reduced below nine.

Officers. SEC. 6. There shall be a President and a Vice-President of the company, who shall be elected by the Directors from their own number, at their first meeting after the incorporation of the company, and thereafter at their first meeting after each annual election. They shall hold office during the pleasure of the Board of Directors, and until their successors are elected and enter upon their duties. Such other officers may be elected or appointed as the by-laws shall provide. The compensation of all officers shall be regulated by the by-laws.

By-laws. SEC. 7. The by-laws of the company shall be made by the Board of Directors, and may from time to time be altered or amended by them, or at any annual meeting, upon a notice of at least four weeks, published in a newspaper, specifying the substance of the proposed alteration or amendment, by a majority of those present in person or by proxy entitled to vote at the election of Directors. Besides the usual rules and regulations for the transaction and management of the business of life insurance and annuities as in section one mentioned, the by-laws may provide in any manner not inconsistent with this Act, as follows:

First—For the time, place, and mode of holding the annual meetings and the election of Directors, and also of any special meetings in the town or city where the office of the company shall be located, by whom such meetings shall be called, and all other regulations connected therewith.

Second—For the number of Directors who shall constitute a quorum, which shall not be less than five in a Board of nine, or than seven in a larger number, for filling vacancies in the Board, and for removing any member thereof or declaring his office vacant.

Third—For designating the officers of the company, their duties, powers, qualifications, the time and mode of their election or appointment, the mode of their removal, their tenure of office, their compensation, and all other matters respecting them.

Meetings, and election.

Quorum, and vacancies.

Powers and duties of officers.

Fourth—For regulating the holding and disposition of the stock of the company, and the person holding the same, and the amount which may be held by any one person, or in any manner otherwise providing for the solvency of the stockholders and for the better security of those dealing with the company.

SEC. 8. Every company formed under this Act shall have a capital stock of not less than one hundred thousand dollars. It shall not make any insurance upon any risk or transact any other business in section one mentioned until its capital stock shall have been fully paid up in cash, and until it shall have also obtained a fund, to be known as a Guarantee Fund, of not less than two hundred and fifty thousand dollars, as is herein-after provided. The Board of Directors of the company, or a committee of the Directors appointed by the Board, shall, without delay, after organizing, proceed to obtain the subscriptions required to complete the capital stock of the company, and shall open books therefor, giving public notice thereof, if deemed necessary by them, in some newspaper. Such books shall be kept open until the amount of the capital stock shall have been subscribed. If more than the requisite amount is subscribed, the stock shall be distributed pro rata among the subscribers. Any subscription may be rejected by the Board of Directors, or the committee thereof, either as to the whole or any part thereof, and shall be, so far as rejected, without effect.

SEC. 9. The Guarantee Fund mentioned in section eight shall consist of the promissory notes of solvent parties, approved of by the Board of Directors and by each other. Such notes shall be payable to the company or its order, and at such time or times, in such modes, and such sums, with or without interest, and shall be in all other respects as the Board of Directors shall prescribe; but the amount of the note or notes given by any one person shall not exceed in the whole the sum of five thousand dollars exclusive of interest. Such notes shall be payable absolutely and at all events at the company's option, shall be negotiable, and may be indorsed and transferred, or converted into cash, or otherwise dealt with by the company at its discretion, without reference to any contingency of losses, expenses, or otherwise. Such notes, or the proceeds thereof, shall remain with the company as a fund for the better security of its dealers, and shall be assets of the company, liable for all its debts, obligations, and indebtedness next after its assets from premiums and other sources, exclusive of capital stock, until the net earnings of the company over and above its expenses, losses, and liabilities, shall have accumulated in cash, or securities in which the net earnings have been invested, to a sum which, with the capital stock, shall be equal to the aggregate of the original amounts of the Guarantee Fund and of the capital stock; and thereupon the said sum, with the capital stock, shall become and remain the fixed capital of the company, not subject to division among the stockholders or parties dealing with the company, or to be expended in any manner otherwise, except when required in payment of the company's debts and actual expenses, until the business of the company shall have been closed, its debts paid, and its outstanding policies and obligations of every kind cancelled or provided for; and if from any cause

Holding and
disposition
of stock.

Guarantee
Fund.

Subscript-
tions.

Of what
Guarante-
e Fund shall
consist.

Deficiency in fixed capital. a deficiency shall at any time occur in such fixed capital, no further division of profits shall take place until such deficiency shall have been made up.

Declaration of fixed capital.

Guarantee notes, And interest.

Investment of capital funds.

Purchase and conveyance of real estate.

SEC. 10. Whenever the fixed capital of the company shall have been obtained as aforesaid, the President of the company and its Actuary, or its Secretary if there be no Actuary, shall, without delay, make a declaration in writing, duly sworn to before some Notary Public, of the amount of such fixed capital, and of the particular kinds of property composing the same, with the nature and amount of each kind. Such declaration shall be filed with the original certificate of incorporation, and a copy, certified by the County Clerk to be a true copy, shall be published for at least four weeks in a newspaper. Upon the filing of such declaration the Guarantee Fund shall be deemed to be discharged of its obligations, and all notes of the fund remaining in the company's control, and not affected by any lien thereon, or claim in that nature, shall be surrendered by it to the makers thereof respectively, or other parties entitled to receive the same. Until such time no guarantee note shall be withdrawn from the fund unless another note of equal solvency shall be substituted therefor, and unless with the unanimous approval of the Board of Directors then in office, and of all the other parties liable on the rest of the notes comprising the Guarantee Fund. The company shall allow a commission of five per cent per annum on all such guarantee notes while outstanding, and also interest on all moneys paid on such notes by the parties liable thereon at the rate of twelve per cent per annum, payable half yearly, until repaid by the company. But such rate of interest may from time to time, at intervals of not less than one year, be increased or reduced by the Board of Directors so as to conform to the then current rates of interest.

SEC. 11. It shall be lawful for the company to invest its capital and funds as follows:

First—In loans upon unencumbered and improved real estate within the State of California, which shall be worth at the time of the investment fifty per cent more than the sum loaned.

Second—In the purchase of or loans upon interest bearing stocks, bonds, and other securities of the United States, and of the States thereof.

Third—In the purchase of or loans upon interest bearing bonds of any incorporated city, or city and county in the State of California.

Fourth—In the purchase of or loans upon any stocks of companies formed under the laws of this State, which shall have at the time of such investment a value in the City of San Francisco at or above par, and which shall be rated as first class securities. But no loans shall be made on any securities specified in subdivisions three and four in an amount beyond seventy-five per cent of their market value.

SEC. 12. No company formed under this Act shall purchase, hold, or convey real estate, except for the purposes, and as herein set forth, to wit:

First—Such as shall be requisite for its accommodation in the convenient transaction of its business.

Second—Such as shall have been conveyed to it or to any

person for it by way of mortgage or in trust, or in any manner otherwise, to secure or provide for the payment of loans previously contracted, or for moneys due.

Third—Such as shall have been purchased at sales upon deeds of trust, or judgments, decrees, or mortgages obtained or made for such loans or debts.

Fourth—Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

All such real estate as may be acquired as aforesaid, and ^{Sale of real estate.} which shall not be requisite for the accommodation of such company in the convenient transaction of its business, shall be sold and disposed of within five years after such company shall have acquired title to the same, and it shall not be lawful for such company to hold such real estate for a longer period than that above mentioned, unless the said company shall procure a certificate from the Controller of State that the interest of the company will suffer materially by a forced sale of such real estate, in which event the time for the sale may be extended to such time as the Controller shall direct in said certificate.

Sec. 13. The dividends payable to the stockholders of the ^{Dividends.} company shall be deducted before any net earnings shall be deemed to have accrued. Such dividends shall consist of the interest or moneys earned by the investment or other use of the capital stock. No dividends shall be made by the company while its capital stock is impaired, or when the making of such dividends would have the effect of impairing its capital; and any dividend so made shall subject the Directors voting for, and the stockholders having notice and receiving the same, to a joint and several liability to the creditors of such company to the extent of such dividend.

Sec. 14. It shall be the duty of the President and Secretary, ^{Annual statement.} or Actuary, or a majority of the Directors of said company, annually on the first day of January, or within sixty days thereafter, to prepare, under oath, and deposit in the office of the Controller of State, a statement showing:

First—The number of policies issued during the year;

Second—The amount of insurance effected thereby;

Third—The amount of premiums received during the year;

Fourth—The amount of interest, and all other receipts, specifying the items;

Fifth—The amount of losses paid during the year;

Sixth—The amount of losses unpaid;

Seventh—The amount of expenses;

Eighth—The whole number of policies in force;

Ninth—The amount of liabilities or risks thereon, and of all other liabilities;

Tenth—The amount of capital stock;

Eleventh—The amount of accumulation, specifying whether received upon life insurance, annuities, or otherwise.

Twelfth—The amount of assets and manner in which they are invested, specifying what amount in real estate, on bond and mortgage, loans on stocks, premium notes, credits, or other securities;

Thirteenth—The amount of dividends unpaid.

Company
may extend
its term of
existence.

SEC. 15. Upon the expiration of the period of existence specified in the certificate provided for in section three, the company may extend its term of existence for another period of not more than seventy-five years, if the same shall be desired by a majority of the stockholders and others qualified to vote for Directors, and approved of by the Board of Directors in office for the last year of such unexpired term. Such desire of the stockholders and others qualified to vote for Directors of the company may be declared either by a vote in favor of such extension, at a meeting of them called specially for the purpose by the President or any five stockholders of the company, at the office of the company, upon a notice published in some newspaper, or by a statement in writing, declaring themselves in favor of such extension, signed by such majority of the stockholders and others qualified to vote for Directors, or their attorneys in fact duly authorized. Such resolution or statement shall be submitted to the Board of Directors, and if approved by them, they or a majority of them shall sign a certificate in writing, declaring the desire of the company for a renewal for such further period not exceeding seventy-five years. Such certificate shall be duly acknowledged before some officer competent to take acknowledgment of deeds, and the original and a copy thereof shall be filed before the expiration of the current term of the company's existence in the same manner as is provided in section three with respect to the original certificate of incorporation. Thereupon the company shall be deemed, from and after the expiration of its current term of existence named in the certificate of incorporation, to have renewed its term of existence for the period mentioned in said certificate of renewal, in all respects as though its previous term of existence had not expired. Other renewals may be made from time to time thereafter in the like manner and with the like force and effect; but no renewal shall ever be made for a period exceeding seventy-five years.

Premiums.

SEC. 16. All premiums shall be payable wholly in cash, or one half or a greater proportion in cash, and the remainder in promissory notes bearing interest as may be provided by the by-laws. Agreements and policies of insurance made by the company may be upon the basis of full or partial participation in the profits, or without any participation therein, as may be provided by the by-laws and agreed between the parties.

Stockholders
liable.

SEC. 17. Each stockholder of the company shall be individually and personally liable for such proportion of all its debts and liabilities as the amount of its capital stock owned by him bears to the whole of such capital stock.

Married
woman may
insure the
life of her
husband.

SEC. 18. It shall be lawful for any married woman, by herself and in her name or in the name of any third person, with his assent as her trustee, to cause to be insured for her sole use the life of her husband for any definite period or for the term of his natural life; and in the event of her surviving her husband, the sum or net amount of the insurance becoming due and payable by the terms of the insurance shall be payable to her, and for her own use, free from the claims of the representatives of the husband or of any of his creditors, or of any parties claiming by, through, or under him. But when the premium or any part

thereof paid in each year out of the funds or property of the husband shall exceed five hundred dollars, such exemption from such claims shall not apply to so much of said insurance as shall be in proportion to said excess over five hundred dollars. In case of the death of the wife before the decease of her husband, the amount of insurance may be made payable after her death to her children, for their use, or if under age, to their guardian.

SEC. 19. So much of an Act entitled an Act to provide for ~~Repeal.~~ the incorporation of mutual insurance companies, passed April twenty-sixth, one thousand eight hundred and fifty-one, and any Act amendatory thereof or supplementary thereto, as relates to insurance upon lives, is hereby repealed; but this repeal shall not affect the validity of any incorporation formed, or contract made, or rights existing under said Act or Acts, and the same shall be and remain in all respects as though this Act had not been passed. An Act entitled an Act in respect to insurance ~~Repeal.~~ for lives for the benefit of married women, passed May eleventh, one thousand eight hundred and fifty-four, is also repealed. All Acts and parts of Acts, so far as they affect incorporations formed under this Act, are hereby repealed.

SEC. 20. This Act shall take effect immediately.

CHAP. DLXVII.—An Act to authorize the Board of Supervisors of the County of Calaveras to take and subscribe fifty thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever during the year A. D. eighteen hundred and sixty-six, a petition shall be presented to the Board of Supervisors of Calaveras County, signed by the owners of a majority of the taxable property, real and personal, of said county, as represented and assessed upon the assessment roll for the year A. D. eighteen hundred and sixty-five, it shall be the duty of said Board of Supervisors to order an election to be held in said county at the several places for holding elections therein, for the purpose of submitting to the qualified electors of said county the proposition for said Board of Supervisors to take and subscribe fifty thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, by which a railroad communication shall be formed between Stockton and Copperopolis, said election to be held not less than thirty nor more than sixty days from the presentation and filing of said petition with the Board of Supervisors as aforesaid.

Election to determine question of subscription to stock.

SEC. 2. It shall be the duty of the Board of Supervisors to cause notice of at least twenty days to be published in one or

How election conducted.

more newspapers printed and published in said county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon. The ballots to be used shall have written or printed thereon the following words: "Subscription of fifty thousand dollars to the Stockton and Copperopolis Railroad Company." Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon, and every ballot against the said proposition shall have the word "No" written or printed thereon. Said election shall be conducted in the same manner as other elections for county officers, and such returns shall be made of the votes cast on said propositions within ten days after the said election, and in the same manner as provided in the case of the election of county officers, to the Clerk of said county, of the number of voters voting "Yes," and the number of voters voting "No," which returns shall, on said tenth day, or as soon thereafter as practicable, be opened and counted in the same manner as the returns of the votes for county officers, and when so opened and counted, the result thereof shall be declared officially by the said Board of Supervisors.

Result.

Subscription

SEC. 3. If at the election a greater number of the electors of said county voting upon said proposition shall vote "Yes" than shall vote "No," then and in that event is the Board of Supervisors of said county, in the name of the county, hereby authorized, empowered, and directed, immediately after the result of said election is so officially declared, to take and subscribe for the use, benefit, and advantage of said county, to the capital stock of the Stockton and Copperopolis Railroad Company, a corporation duly organized under the laws of this State on the eleventh day of October, A. D. one thousand eight hundred and sixty-five, for the purpose mentioned in section one of this Act, capital stock to the amount of fifty thousand dollars, and therefor to pledge the faith of said county for the payment of the same in the manner hereinafter provided.

SEC. 4. The said subscription shall be made by a committee of two members of said Board of Supervisors, to be appointed by an order of said Board for that purpose, and who shall perform that duty immediately thereafter.

To be paid in bonds.

Issue of bonds; and amounts thereof.

Loan Commissioners.

SEC. 5. The said subscription shall be made and so received conditioned to be paid in the bonds of said county, issued as hereinafter directed, and not otherwise, and for such subscription said bonds shall be received at par value, dollar for dollar.

SEC. 6. The said Board of Supervisors of said county, from time to time, as the payment of said subscription to such capital so subscribed shall be required to be made by the Board of Directors of said railroad company, not exceeding at any one time, however, an instalment of ten per cent upon the amount of said subscription, in the same manner and upon the same terms as other stockholders, shall, by order, direct the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, who for that purpose, in addition to their other duties as such officers, and their successors in office, shall constitute a Board of Commissioners to be styled the "Loan Commissioners" of said county, and as such Loan Commissioners to issue bonds in the sum of five hundred dollars and one thousand

dollars, in equal proportions, for such amount of such subscription to said capital stock as said Board of Supervisors may direct; and said bonds shall draw interest at the rate of ten per cent per annum from the date of their issue, and the principal thereof shall be made payable on a specified day to be named in the bonds, which shall be twenty years after the date of their issue, at the office of the Treasurer of said county as hereinafter provided; the interest accruing on the said bonds Interest, etc. shall be due and payable semi-annually in United States gold coin, so long as such bonds are outstanding and unpaid, and shall be made payable on a specified day to be named in the coupons, at said Treasurer's office, as before provided for the payment of the principal of said bonds; said bonds shall be signed by the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, as such officers and ex officio Loan Commissioners, and when so signed shall be presented by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same as such Clerk in the presence of a quorum of such Board, at a meeting thereof, and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered upon their journal, together with number, date, and amount of each bond so countersigned by such Clerk; and upon the countersigning of said bonds it shall be the duty of said Board of Supervisors to cause the seal of said county to be affixed to each bond, and appoint a committee of two of their number to deliver said bonds to said railroad company to whom the same shall be issued, and it shall be the duty of such committee to take a receipt from the Secretary of said railroad company for the bonds so delivered by them, setting forth the number, dates, and amounts of bonds so delivered, and report the same to the Board of Supervisors.

Sec. 7. Coupons for the interest shall be attached to each bond so that the coupons may be removed without mutilation to the bond. Said coupons shall be signed by said Loan Commissioners. When any interest shall be paid upon bonds issued under the provisions of this Act, the County Treasurer shall detach the coupons for interest then due and paid, and deliver the same to the Clerk of said county, taking his receipt therefor, whose duty it will be to write the word "cancelled" across said coupons, and file the same in his office, and make a report at the next meeting of the Board of Supervisors.

Sec. 8. The bonds issued from time to time in payment of such subscriptions to the capital stock of the said railroad company by virtue of the provisions of this Act, shall be issued and paid to the said company in the same proportion and amounts, up to the full amount of fifty thousand dollars aforesaid, as the said company shall have expended in the construction, graduation, and equipment of said railroad in the County of Calaveras; or if the Board of Supervisors of Calaveras County, in order to hasten the construction of the said railroad, shall at any time deem expedient, (on the representations of the proper officers of the said company that the iron, ties, machinery, etc., have been How bonds shall be issued.

How bonds shall be issued.

purchased and delivered to their order,) they shall, at their option, be empowered to issue to the said railroad company bonds as hereinafter provided to the amount of one half the purchases aforesaid, if so much thereof remains in their hands; and it shall be the duty of the Chief Engineer and the Secretary of the said company, from time to time, as the said bonds are required as aforesaid to be issued, to make a report to the Board of Supervisors as to the progress of the work, the amount expended thereon in work done and materials delivered, and also to furnish bills of lading for iron, ties, machinery, or other evidences of purchase on account of the said construction, as near as can be ascertained; and if after the payment of the first ten per cent of such county subscription as aforesaid, there shall be any failure or refusal on the part of the said railroad company to apply the said bonds so subscribed as herein designated, or if the said railroad company should discontinue the construction of their said road or divert the same from the County of Calaveras, then and in that event the Board of Supervisors may, at their option, withhold any further subscription and not thereafter be held liable for any further calls under this Act.

Levy of Interest Tax SEC. 9. It shall be the duty of said Board of Supervisors, previous to the making out and delivery of the original assessment roll as corrected by the Board of Equalization to the Tax Collector of the county in each year, to levy a tax to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on said bonds issued hereunder;

Redemption and previous to the making and delivery of said roll of said county in the year A. D., eighteen hundred and sixty-six, and for every year thereafter, until the said bonds issued under this Act shall be paid and liquidated, the said Board shall, should it be necessary, levy a tax not exceeding ten cents on the one hundred dollars' worth of taxable property of said county, for the purpose of raising a fund for the liquidation of said bonds, which shall be styled a "Loan Fund." The said taxes shall be levied and collected in the same manner as the general taxes for county purposes, and when collected shall be paid in to the County Treasurer, who shall account for and deliver the same over to the said Loan Commissioners to be by them applied as follows:

First.—The Interest Tax, to the payment of interest falling due on said bonds.

Second.—The Loan Fund, to the redemption of said bonds, as hereinafter provided.

Surplus money. SEC. 10. If there shall be collected as such Interest Tax in any one year a sum greater than is required to pay the annual interest on said bonds issued hereunder, then the said Loan Commissioners shall pass over such surplus into the Loan Fund.

Payment of interest. SEC. 11. It shall be the duty of said Loan Commissioners to make arrangements for the payment of interest on said bonds when the same falls due, at least thirty days before the time of payment, and in the event the Interest Fund is insufficient, the said Treasurer shall draw on the common or General Fund of said county for such purpose, and deliver the same to said Commissioners; and in the event that those funds prove inade-

quate, the said Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of said county.

SEC. 12. Whenever at any time there shall be in said Loan Fund a sum of money amounting to three thousand dollars or upwards, the said Commissioners shall advertise in a public newspaper, published in said county, for a space of four weeks, for sealed proposals for the redemption of said bonds, and ten days from the expiration of said time for such publication the said Commissioners shall open the sealed proposals, and shall pay and liquidate, as far as the Loan Fund then on hand shall extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be more than the par value thereof; and, *provided*, should there be no proposals made for less than par value, then the payment of said Loan Fund on hand shall be made on said bonds according to the number of their issue, of which the said Commissioners shall give four weeks' notice of the numbers of the bonds to be paid, after which time such bonds shall cease to draw interest; and, *provided*, whenever there may be sufficient moneys in such Loan Fund for the extinguishment of the bonds issued under this Act, it shall be the duty of said Commissioners to advertise for the space of four weeks for the redemption of the outstanding bonds issued under this Act, after which time said bonds shall cease to draw interest. Any moneys remaining in said Loan Fund after the redemption of said bonds shall be by the said Commissioners paid over to the County Treasurer, to be by him held subject to the order of said Board of Supervisors.

SEC. 13. Whenever any bonds shall have been paid and *cancelled* by the Commissioners, they shall mark on the same "cancelled" over their signatures as Commissioners, and immediately deliver the same to the County Clerk, taking his receipt therefor, and the said Clerk, upon the receipt of such cancelled bonds, shall file the same in his office.

SEC. 14. The County Clerk shall open with the said Commissioners an Interest Tax account, and a Loan Fund account, and shall balance and settle the same quarterly.

SEC. 15. The said Commissioners, and all other officers herein specified, for the performance of their duties under the provisions of this Act, shall in all things herein required of them be subject to all the liabilities and penalties to which they are subjected in the performance of any other of the duties of their respective offices, and they shall, when the fees or salary is not fixed by law for the services herein required, be allowed by the Board of Supervisors a reasonable compensation therefor, to be paid by the said county as other fees and salaries are paid, not to exceed five dollars per day; and the said Board of Supervisors may, and they are hereby fully authorized so to do, to require of each of said Commissioners such bonds and security for the performance of their duties herein required of them as the said Board of Supervisors shall deem proper; *provided*, however, that the penal sum of such bonds to each of said Commissioners shall not exceed five thousand dollars. The said Com-

Liability and compensation of Commissioners.

Bonds.

missioners shall, when so required, execute the said bond in the same manner as other official bonds are executed, and to be approved by said Board of Supervisors and filed in the office of the County Clerk.

Casting votes
representing stock.

SEC. 16. The said Board of Supervisors shall have authority to authorize a committee of any one or more of their number, or any other person, to cast all votes representing the capital stock so subscribed by them; and they shall, by order made for that purpose, have full power to sell, transfer, and assign the said capital stock or any part thereof so taken by them under the provisions of this Act, whenever on submission to the qualified voters of said county at any county or general election of a proposition to sell the same, a majority of the votes cast thereat shall approve of such sale.

Dividends,
profits, and
taxes.

SEC. 17. The Board of Supervisors shall have all the right and powers appertaining to any other subscriber to such capital stock, and shall receive all of the dividends, issues, and profits arising from such subscription to said capital stock, and shall set apart and transfer the same, together with the taxes that may be paid by said company to said county from time to time, to the said Loan Fund, to be applied by the said Loan Commissioners to the payment, first, of the interest of the bonds issued as herein provided, and the redemption of the principal thereof in the manner provided by section twelve of this Act; and, second, after the said dividends, issues, and profits arising from such stock subscription shall be applied as follows: one third thereof to the School Fund of said county, and the remaining two thirds to the General Fund.

County not
liable for
debts beyond
amount
subscribed.

SEC. 18. The subscription of stock authorized by virtue of the provisions of this Act shall be made by said Board of Supervisors on the books of said company, upon the express condition that the said county shall not be liable for any of the debts or liabilities of said company beyond the amount subscribed; and this provision as to the liability of said county shall be a part of and expressly stipulated in all contracts made by said company for the construction and equipment of said road; and in case the said company shall fail or refuse to make such stipulation in all their said contracts, then the said Board of Supervisors shall have power to declare the said subscription void and of no effect, and may recover from said company any previous payments that may have been made thereon at the time of such failure or refusal.

SEC. 19. This Act shall be taken and be deemed a public Act, and shall take effect and be in force from and after its passage.

CHAP. DXLVIII.—An Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The thirteenth section of an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, is hereby amended so as to read as follows:

Section 13. When any will shall have come into the possession of the Probate Court, and a petition for the probate thereof and for the issuance of letters testamentary or letters of administration, with the will annexed, shall have been filed, the Court or Judge shall appoint a time for proving it, which shall not be less than ten nor more than thirty days, and shall cause notice to be given thereof by the Clerk by publication in some newspaper, if there is one printed in the county, if not, by notices posted in three public places in the county. If the notice is published in a weekly newspaper, it shall appear therein on at least three different days of publication, and if in a newspaper published oftener than once a week, it shall be so published that there shall be at least ten days from the first to the last day of publication, both the first and the last day being included. If the notice is by posting, it shall be given at least ten days before the hearing.

SEC. 2. The fifty-sixth section of the said Act is hereby amended so as to read as follows:

Section 56. When any unmarried woman who shall have been appointed administratrix shall marry, her marriage shall extinguish her authority. A married woman shall not be appointed administratrix.

SEC. 3. The one hundred and eighth section of the said Act is hereby amended so as to read as follows:

Section 108. The inventory shall also contain an account of all moneys belonging to the deceased which shall have come to the hands of the executor or administrator, and if none shall have come to his hands the fact shall be so stated in the inventory. If the whole estate consists of money there need be no appraisement, but an inventory shall be made and returned as in other cases.

SEC. 4. Perishable property of any estate may be sold as provided by law, and shall include all personal property which is likely to decrease in value, or become worse by being kept, or is subject to loss or expense, so that it shall appear to be for the best interest of the estate that the same should be sold without delay. Partnership interests, or interests belonging to any estate by virtue of any partnership formerly existing, and choses in action, may be sold in the same manner as other personal property, when it shall appear to be for the best interest of the estate. Before confirming the sale of any partnership interest, whether made to the surviving partner or partners, or

Notice of
time for
proving wills

Married wo-
man cannot
be adminis-
tratrix.

Inventory.

Sale of
perishable
property.

Partnership
interests.

to any other person, the Court or Judge shall carefully inquire into the condition of the partnership affairs, and shall examine the surviving partner or partners, if he or they shall be in the county and able to be present in Court, and no such sale shall be confirmed unless the same shall appear to be for the best interest of the estate.

SEC. 5. The one hundred and sixty-first section of the said Act is hereby amended so as to read as follows:

Sale of real estate.

Section 161. If it shall appear to the Court that it is necessary to sell a part of the real estate, and that by a sale of such part the residue of the real estate or some specific part thereof would be greatly injured, or diminished in value, or subjected to expense, or rendered unprofitable, or that after any such sale any such residue would be so small in quantity or value, or would be of such a character with reference to its future disposition among the heirs or devisees as clearly to render it for the best interest of all concerned that the same should be sold, the Court may authorize the sale of the whole estate, or of any part thereof as may be necessary and for the best interest of all concerned. And the Court may confirm such sale of the whole estate or of a specific part thereof; *provided*, the necessity or expediency of such sale, as already defined in this section, be set forth in the return of sale, and be established on the hearing; and the sale so confirmed shall be valid.

SEC. 6. The one hundred and sixty-sixth section of the said Act is hereby amended so as to read as follows:

Notice of sale.

Section 166. When a sale is ordered, and is to be made at public auction, notice of the time and place of holding the same shall be posted up in three of the most public places in the county in which the land is situated, and shall be published in a newspaper, if there be one printed in the same county, and if there be none, then in such paper as the Court may direct, for three weeks successively next before such sale, in which notice the lands and tenements to be sold shall be described with common certainty.

SEC. 7. The one hundred and sixty-seventh section of the said Act is hereby amended so as to read as follows:

Time and place.

Section 167. Such sale at public auction shall be made in the county where the land is situated, but when the tract of land is situated in two or more counties, it may be sold in either of said counties. The sale shall be made between the hours of nine o'clock in the morning and the setting of the sun on the same day, and shall be made on the day named in the notice of sale, unless the sale shall be adjourned as provided by law.

Private sale of real estate.

SEC. 8. When a sale of real estate is ordered and is to be made at private sale, notice of the same shall be posted up in three of the most public places in the county in which the land is situated, and shall be published in a newspaper, if there be one printed in the same county, and if there be none, then in such paper as the Court may direct, for two weeks successively next before the day on or after which the sale will be made, in which notice the lands and tenements to be sold shall be described with common certainty. The notice shall state a day on or after which the sale will be made, and a place where offers or bids will be received. The day last referred to shall be at least

fifteen days from the first publication of notice, and the sale shall not be made before said day, and shall be made within six months thereafter. Such bids or offers shall be in writing, and may be ^{Bids, etc.} left at the place designated in the notice, or delivered to the executor or administrator personally, and may be filed in the office of the Clerk of the Probate Court, to which the return of sale must be made, at any time after the first publication of the notice and before the making of the sale; *provided*, that if it shall be shown that it will be for the best interest of the estate, the Court or Judge may by an order shorten the time of notice, which shall not, however, be less than one week, and may provide that the sale may be made on or after a day less than fifteen days, but not less than eight days from the first publication of the notice, in which case the notice of the sale and the sale may be made to correspond with such order.

SEC. 9. No such sale of real estate at private sale shall be confirmed by the Court, unless the sum offered shall be at least ^{Ninety per cent of appraised value must be offered.} ninety per cent of the appraised value thereof, nor unless such real estate shall have been appraised within one year of the time of such sale. If the said real estate has not been so appraised, or if the Court shall be satisfied that the appraisement is too high or too low, appraisers shall be appointed, and they shall make an appraisement thereof in the same manner as in case of the appraisement of the inventory; and this may be done at any time before the sale or before the confirmation thereof.

SEC. 10. The two hundred and fifty-ninth section of the said Act is hereby amended so as to read as follows:

Section 259. In the decree the Court shall name the persons ^{Court to make apportionment} and the proportions or parts to which each shall be entitled, and such persons shall have the right to demand and recover their respective shares from the executor or administrator, or any person having the same in possession. Such decree shall be conclusive as to the rights of heirs, legatees, or devisees, subject only to be reversed, set aside, or modified on appeal, in the manner and within the time provided by law.

SEC. 11. Whenever it is or may be provided by law that any order or decree, or copy of any order or decree of a Probate Court or Probate Judge, shall or may be recorded in the office of the County Recorder, any such order or decree or copy shall, from the time of filing the same in the said office for record, impart notice to all persons of the contents thereof; *provided*, that nothing in this section shall be construed to lessen in any respect the force or effect, as notice or otherwise, of any order, decree, act, or proceeding of a Probate Court or Probate Judge.

SEC. 12. Upon application for distribution after the final settlement of the accounts of administration, if the deceased was not a resident of this State, and died testate, and his will shall have been duly proved or allowed in the State or place of his residence, and an authenticated copy thereof shall have been admitted to probate in this State, and it shall be necessary, in order that the estate or any part thereof may be distributed according to the will, that the estate in this State or any part thereof should be delivered to the executor or administrator in the State or place of residence, the Court may order such delivery to be made, and may, if necessary, order the sale of the

real estate, and a like delivery of the proceeds; and the delivery, in accordance with the order of the Court, shall be a full discharge of the executor or administrator, with the will annexed, in this State, in relation to all property embraced in such order, which shall, unless reversed on appeal, bind and conclude all parties in interest. Sales of real estate ordered by virtue of this section shall be made in the same manner as other sales of real estate of deceased persons by order of the Probate Court.

CHAP. DXLIX.—An Act to amend an Act entitled an Act to divide the State into Congressional Districts, and fix the time to elect Representatives to Congress, approved April first, eighteen hundred and sixty-four.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows :

First District Section 2. The Counties of San Diego, Los Angeles, San Bernardino, Santa Barbara, San Luis Obispo, Tulare, Monterey, Fresno, Merced, Mariposa, Stanislaus, Santa Clara, Santa Cruz, San Mateo, San Francisco, Inyo, and Kern, shall be the First District.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. DL.—An Act concerning forcible entries and unlawful detainers.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Forcible entry. **SECTION 1.** If any person shall, with violence and a strong hand, enter upon or into any lands or buildings, either by breaking open doors, windows, or other parts of a house, or by any kind of violence or circumstance of terror, or if any person, after entering peaceably, shall turn out by force, or by threats, or by menacing conduct, the party in possession, such person shall be deemed guilty of a forcible entry, and may be proceeded against and punished as hereinafter provided.

Forcible detainer. **SEC. 2.** If any person shall, by force and with a strong hand, or by menaces and threats of violence, unlawfully hold and keep the possession of any lands or tenements, whether the same were acquired peaceably or otherwise, such person shall be deemed guilty of a forcible detainer, and may be proceeded against as herein provided.

SEC. 3. If any person shall, in the night time, or during the absence of the occupant of any lands or tenements, unlawfully enter upon such lands or tenements, and shall, after demand made for the surrender of such premises for the period of five days, refuse to surrender the same to such former occupant, such person shall be deemed guilty of a forcible detainer, and may be proceeded against as herein provided for such offence; *provided*, that the party shall be deemed the actual occupant of lands who, within five days preceding such unlawful entry, was in the peaceable and undisturbed possession of such lands or tenements.

SEC. 4. Actions for the recovery of the possession of any lands or tenements under the provisions of this Act, and for damages consequent upon any forcible entry or forcible detainer, shall be commenced and prosecuted in the County Court of the county in which such lands or tenements or some portion thereof may be situate, and as herein provided.

*Actions to be
commenced
in County
Court.*

SEC. 5. The plaintiff shall present to the County Judge his *Complaint*. written complaint, setting forth therein the facts on which he seeks to recover, and shall describe the premises sought to be recovered with reasonable certainty, and may charge that the defendant has acted fraudulently in making such forcible entry or holding such possession by force, (in case where the action is brought for a forcible entry or forcible holding,) and may claim such damages therefor as he may deem proper; but in such case he shall state the facts constituting the fraud. Upon receiving such complaint the Judge shall fix a day for the appearance of the defendant in such action, and shall indorse the date thus fixed, together with the day of the presentation of said complaint, upon said complaint; the Judge shall further provide *Summons*. and direct upon said complaint that the summons to be issued thereupon shall be served upon the defendant at a day not less than three days previous to the day set for the appearance of said defendant, and not more than twenty days from the date of making the order, fixing the return day of the summons.

*Judge to fix
day for ap-
pearance of
defendant.*

SEC. 6. The complaint thus indorsed shall be then filed with *same*. the Clerk of the County Court, and the Clerk shall forthwith issue a summons under the seal of said Court. Such summons shall state the parties to the action, the Court in which the same is brought, the nature of the action in concise terms, and the relief sought, and also the day fixed for the appearance of the defendant therein, and the number of days before the time of the appearance that the same is to be served on the defendant. It shall command said defendant to appear and answer within the time designated in said summons, or that the relief sought will be taken against him. The summons shall be directed to the defendant, and shall be served by the Sheriff of the county, or other person duly qualified, by delivering to such defendant a certified copy thereof, and the return of the Sheriff shall show the day and place at which the same was served.

SEC. 7. On or before the day set for his appearance therein, the defendant shall file with the Clerk, and in said cause, his

Answer and demurrer. written answer, demurrer, or demurrer and answer, or other appearance, or if he fail to so appear, the Clerk shall note his default, and the Judge shall thereupon, upon satisfactory evidence, order such judgment as shall be just in the premises.

Trial jury. Whenever an issue of fact is presented by the pleadings, the County Judge, upon the application of either party, shall order the Clerk to issue a venire for a special trial jury to be summoned for the day fixed by the Court for the trial of said cause. Such jury shall be summoned in the same manner as provided in section twenty-eight of an Act entitled an Act concerning grand and trial juries, approved April twenty-seventh, eighteen hundred and sixty-three, and shall possess the qualifications prescribed by the said Act, and shall be subject to the same challenges. All pleadings under the provisions of

Pleadings to be in writing this Act shall be in writing, and verified by the parties in the same mode prescribed by law for the verification of pleadings in other civil cases. All proceedings for the trial and determination of causes arising under this Act, not herein provided for, shall be regulated by the provisions of the Civil Practice Act of this State so far as the same may be applicable thereto.

Proceedings regulated by Civil Practice Act. SEC. 8. If the complaint in the action presented shall establish, to the satisfaction of the County Judge, fraud, force, or violence in making such entry, or in holding such possession, and that such possession is unlawful, the Judge may also make an order for the arrest of the defendant, and all the provisions of law, from section seventy-six to section ninety-eight, both included, in Title Five, Chapter One, of an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, shall be and are hereby made the rule of proceeding to said arrest and bail in said action of forcible entry or forcible detainer.

Arrest, and bail. SEC. 9. On the trial of any such action of forcible entry or forcible detainer, the plaintiff shall only be required to show, in addition to the forcible entry or forcible detainer complained of, that he was peaceably in the actual possession at the time of the forcible entry, or was entitled to the possession at the time of the forcible detainer. The defendant may show in his defence, that he or his ancestors, or those whose interest in such premises he claims, have been in the quiet possession thereof for the space of one whole year together next before the commencement of said action, and that his interest therein is not then ended or determined, and such showing shall be a bar to the action in all cases provided for in this Act.

Showing required of plaintiff. SEC. 10. Whenever, upon the trial of any cause under the provisions of this Act, it shall appear from the evidence that the defendant has been guilty of either of the offences herein provided for a forcible entry or a forcible detainer, and other than the offence charged in the complaint, the Judge shall order that such complaint be forthwith amended to conform to such proofs. Such amendment shall be without any imposition of terms, nor shall any continuance be permitted upon account of such amendment, unless the defendant, by affidavit filed, shall show to the satisfaction of the Court good cause therefor.

Amended complaint. SEC. 11. No person other than the actual occupants of the premises shall be necessary parties defendant to proceedings

specified in this Act; nor shall any action abate or plaintiff be nonsuited for the nonjoinder of any persons who might or should have been made parties defendant; but when it shall appear that any of the parties served with process or appearing in said action are guilty of the offence charged, judgment shall be rendered against such persons thus found guilty. And in case a married woman be a tenant or occupant, and her husband is not a resident of the county in which the premises are situated, her marriage shall not be a defence in such proceedings; but in case her husband be not joined, or unless she be doing business as a sole trader, a judgment against her shall be only valid against property on the premises at the time of the commencement of the action.

SEC. 12. If, upon the trial of any action under the provisions of this Act, the verdict of the jury or the finding of the Court shall be in favor of the plaintiff and against the defendant, the Court shall thereupon enter judgment for the plaintiff to have restitution of the premises, and the jury, or the Court in case the action is tried without a jury, shall also find or assess the damages occasioned to the plaintiff by such forcible entry or forcible detainer, and judgment shall be at once entered by the Clerk in favor of the plaintiff and against the defendant for three times the amount of the damages thus assessed.

SEC. 18. The proceedings in or upon the trial of any such action shall be the same as in other civil cases, except as herein otherwise provided, and judgment shall be entered, execution issued, and all other proceedings, both before and subsequent to judgment, be had as in other civil cases; *provided*, that no appeal taken by a defendant in such action to the Supreme Court shall prevent the issuance and execution of the writ of restitution therein unless the County Judge shall by his written order direct that such writ of restitution be stayed.

SEC. 14. Any duly appointed Court Commissioner of a county may perform any and all the duties in this Act required to be performed by the County Judge, whenever such Commissioner is authorized by law to perform such duties.

SEC. 15. All Acts or parts of Acts inconsistent with or repugnant to the provisions of this Act are hereby repealed; *provided*, this section shall not in any way affect or apply to actions or proceedings commenced or pending before this Act goes into effect, but the same may be prosecuted and proceeded in to final judgment or otherwise, in the same manner as if this Act had not been passed.

CHAP. DLI.—An Act for the relief of James R. Traverse.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized to pay James R. Traverse,

Authority to or his assignees, such an amount of money, out of the General pay damages Fund in the County Treasury of said city and county, not exceeding the sum of twenty-six hundred dollars, as will compensate him for damages sustained by him in November, one thousand eight hundred and fifty-eight, in the breaking of a carriage and the injuring of horses, by reason of Jackson street, in said city and county, being out of repair.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DLII.—*An Act providing for the determination of actions for the recovery of the possession of lands and tenements, for rents and profits growing out of the same, and for damages for the withholding thereof in certain cases.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

If brought under Spanish or Mexican grants of exterior boundaries larger than the claim confirmed.

SECTION 1. In all actions pending or which shall hereafter be commenced for the recovery of the possession of any lands or tenements, or for damages for the withholding of any such lands or tenements, or for the issues and profits growing out of any such lands or tenements, if it shall be admitted by the pleadings or by the stipulation of the parties, or if it shall appear from the evidence introduced on the trial in such action that the plaintiff's right to recover the possession of the lands or tenements, or to recover damages for the use and occupation, or for the rents and profits thereof, rests and depends upon the title to said lands and tenements held by plaintiff under and by virtue of any Spanish or Mexican grant, and if it shall in like manner be admitted or made to appear from the evidence, or from the verdict of a jury, or the finding of the Court, as in this Act provided, that such Spanish or Mexican grant has been finally confirmed by the United States Board of Land Commissioners, or by the United States Courts, for a specified quantity of land to be located within exterior boundaries embracing more land than was confirmed to the claimants, and that such Spanish or Mexican grant has not been finally surveyed or located under and in pursuance of the laws of Congress in relation to the survey of private land claims, then and in that case the Court in which such action is pending or may be commenced shall, by an order entered on its minutes in such action, direct that all proceedings therein be stayed, and all proceedings in such action shall thereafter be stayed and suspended until a final survey of such grant shall be made in accordance with the laws of the United States; and upon such survey being made, the defendant in such action shall be permitted to amend his answer so as to set forth the facts, showing in what manner the premises in dispute have been affected by the survey, and the defendant shall be allowed to prove upon the trial how the premises in controversy are situate with reference to the final survey; and the rights

of the parties in such action shall be determined as if such final survey had been made at the time of the commencement of the action; *provided*, that the Court in which such action is pending may, when it shall be made to appear necessary, upon such terms as may be just, by order, restrain the defendant from committing waste on the premises in dispute during the pendency of such action.

Sec. 2. In all actions now pending or which shall hereafter be commenced for the recovery of the possession of any lands, or for damages for the withholding thereof, or for use and occupation of the same, the defendant may file his answer, alleging affirmatively that the premises in dispute are embraced in or claimed to be included within the exterior boundaries of a Spanish or Mexican grant, naming such grant, and that such grant has been confirmed by the United States Board of Land Commissioners, or the United States Courts, for a specified or less quantity of land to be located within exterior boundaries embracing more land than was confirmed to the claimants; that the land confirmed to the claimants under such Spanish or Mexican grant has not been finally surveyed or located, and as the plaintiff's right to the recovery of the premises in controversy or to recover damages for the use and occupation thereof is derived from and under said grant; and unless the plaintiff ~~Effect.~~ Allegation to be made by defendant. shall file his replication denying such affirmative allegations in the defendant's answer as aforesaid within ten days after service on him or his attorney of a copy of the defendant's answer, then said affirmative allegations in defendant's answer made as in this Act provided shall be deemed and be taken to be true, and the Court shall make an order staying proceedings as provided in the first section of this Act. If, however, the plaintiff shall file his replication denying the affirmative allegations in defendant's answer, the trial of the cause shall proceed as in other cases. And if tried by the Court without a jury, the Judge shall find the facts from the evidence upon each of the affirmative allegations in defendant's answer, made as provided in this Act. And if the cause shall be tried by a jury, the Court shall instruct the jury to find a special verdict upon all the issues raised upon the affirmative allegations in defendant's answer. And if such affirmative allegations in the defendant's answer be found by the Judge or jury trying the said issues to be true, the plaintiff shall be liable for the costs of such trial. And all proceedings in said action shall be stayed and suspended as provided in the first section of this Act, and the cause shall stand as to all subsequent proceedings as if no trial had been had. If, however, upon such trial the affirmative allegations in defendant's answer are found to be untrue, the trial of the cause shall proceed as in other cases.

Sec. 3. The provisions of this Act shall not apply to actions for the recovery of lands or tenements, or for damages for the withholding thereof, wherein the plaintiff's right to recover against the defendant does not depend upon title derived under a Mexican or Spanish grant, or when neither such grant nor the decree of confirmation thereof shall be offered in evidence, used or relied on by the plaintiff in establishing his right to recover against the defendant, nor to actions in which both parties Trial may proceed under certain circumstances.

claim title derived from Mexican or Spanish grants, nor to actions affecting parts of Spanish or Mexican grant land confirmed in subdivisions, nor to any case where the person demanding a continuance thereof is not a bona fide settler upon the land in litigation, and actually dwelling thereon; and in all cases where a continuance is obtained of any action or proceeding under the provisions of this Act, the party obtaining the same shall give to the adverse party such bond for the payment of rents and damages, if he finally recover, as the Court shall decree.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. DLIII.—*An Act to provide for the care and sale of the furniture and fixtures of the legislative committee rooms.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Disposition
of State
furniture.

SECTION 1. The Secretary of State shall receive the furniture and fixtures belonging to the State, furnished and used by the direction of the Legislature of the sixteenth session, and shall store the same in the vacant rooms of the Capitol building for the use of the next Legislature; provided, that the Secretary of State may dispose of the carpets at public or private sale, and the receipts from the sale of the same shall be returned to the Contingent Fund of the Legislature.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. DLIV.—*An Act concerning the official bonds of officers in and for the County of Santa Barbara.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

May prohibit
bonds be-
yond value
of sureties'
property.

SECTION 1. Whenever it will appear to the Board of Supervisors of the County of Santa Barbara that any person or persons who have been received as sureties in any official bond for any county officer for all the sum for which such person or persons have been assessed in the last assessment of said county, then it will be lawful for said Board of Supervisors in case those same persons or any of them would appear as sureties in any other official bond, to order in such bond such additional sum or sums as those persons represent.

SEC. 2. In case two or more official bonds are presented at the same time to said Board of Supervisors of said County of

Santa Barbara for their examination, and it would appear that ^{Acceptance of bonds.} a person or persons are sureties in any two or more of said bonds for a greater sum in the aggregate than that for which he or they have been lastly assessed, then the Supervisors will accept the bond bearing the oldest date; but if the bonds bear the same date, they will accept that for the largest amount, and may order additional sums for the other bonds as mentioned in section one of this Act.

SEC. 3. The Board of Supervisors of the County of Santa Barbara at their first regular meeting after the passage of this law, or at any time thereafter, may re-examine all the official bonds already passed upon them by said Board, and make the alterations in said bonds that they deem necessary, in accordance with the provisions of this Act. ^{Bonds to be re-examined}

SEC. 4. This Act shall take effect from and after its passage.

CHAP. DLV.—An Act to provide for a railroad within the City and County of San Francisco.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The right is hereby granted to John O. Earl and ^{Route.} Gardner T. Lawton, and assigns, to lay down and maintain an iron railroad within the City and County of San Francisco along and upon the following streets: commencing at the intersection of Kearny and Sacramento streets, in the City of San Francisco, thence along and upon Sacramento street to East street, thence along and upon East street to its southern terminus; said road to have a double or single track, with necessary crossings and turn-outs, the rails to be of the most improved pattern used in the eastern cities, and to run cars thereon not exceeding twenty-six feet in length, at convenient hours of the day and night, for the transportation of passengers; *provided*, that the grantees named in this Act, or their assigns, shall not have or hold any franchise or right to construct or lay down such railroad along the route hereinbefore mentioned, until they shall first have obtained the consent in writing of the owners (or their agents) of two thirds of the property along those portions of said streets on which said route runs, within one year from the passage of this Act; *provided*, that if any other railroad company shall at any time obtain the right to construct a railroad track in any portion of the streets herein named, such other company shall have the right to use the rails of the grantees herein named on not exceeding five blocks, upon paying one half of the expense of constructing and maintaining the railroad on that portion of the track so used. ^{Rails and cars.} ^{Consent of property owners required.}

SEC. 2. The owners of said railroad shall pave, plank, or macadamize, as the proper authorities of the City and County of San Francisco shall direct, the streets through which the said ^{To pave streets, etc.}

railroad shall run, along the entire length thereof for a width extending two feet on each side of said road, and shall keep the same constantly in repair.

Width of track.

SEC. 3. The track of said railroad shall not be more than five feet wide. It shall be laid as nearly as possible in the centre of said streets, and flush with the level of the streets, and so as to offer as little obstruction as possible to the crossing of vehicles; and when the road herein provided for shall intersect any other road, the rail of each shall be so altered or cut as to permit the cars to cross without obstructing; and nothing in this Act shall be so construed as to prevent any other railroad company hereafter formed from crossing the road herein mentioned at any point in like manner in the City and County of San Francisco.

Rate of fare.

SEC. 4. The rates of fare for each passenger upon said railroad shall not exceed five cents in gold or silver coin. Said five cents per fare, ticket, or passage, shall be held to pay and include all State and Federal taxes. And in case the said grantees or their assigns, being the owners of said franchise hereby granted, shall ever ask the Legislature for a grant of the right to demand or collect any greater rate of fare than those herein expressed, the franchises hereby granted shall become and be forfeited by that act.

Motive power.

SEC. 5. The cars upon said railroad shall be of the most approved construction for the comfort and convenience of passengers; they shall be moved by horse or mule power, and none other.

Obstructions.

SEC. 6. Any person wilfully obstructing said railroad shall be deemed guilty of a misdemeanor, and be punished accordingly.

Term of franchise.

SEC. 7. The franchise and privileges hereby granted shall continue for the period of twenty-five years, to date from and after the passage of this Act. And the grantees shall, within one year after having obtained the consent of two thirds of the property holders as before mentioned, commence the construction of said road, but no time during which they may be prevented by legal process be counted as a part of said time. And the said grantees or their assigns shall, within six months after the passage of this Act, execute to the City and County of San Francisco a bond, with good and sufficient sureties, to be approved by the Mayor of said city and county, conditioned in the sum of ten thousand dollars, for the completion of said railroad according to the requirements and privileges of this Act, and file the same with the Treasurer of said city and county for the benefit thereof; and upon a failure to comply with the provisions of this section the franchise and privileges hereby granted shall utterly cease and determine, and the amount of said bond may be recovered from the obligors therein named in an action brought in the name of the City and County of San Francisco.

Bond.

SEC. 8. The owners of said railroad are required to sell, transfer, and convey the same, together with the cars that may be employed thereon, to the City and County of San Francisco, at any time after the expiration of fifteen years from the completion of the same, upon a demand being made to that effect by the said city and county, and upon payment to said parties by

After fifteen years to sell to city.

SEC. 8. The owners of said railroad are required to sell, transfer, and convey the same, together with the cars that may be employed thereon, to the City and County of San Francisco, at any time after the expiration of fifteen years from the completion of the same, upon a demand being made to that effect by the said city and county, and upon payment to said parties by

said city and county of the appraised value of the same; said appraisal to be made by five Commissioners, in the manner following: The Board of Supervisors of the City and County of San Francisco shall appoint two Commissioners, and notify the grantees or their assigns of such appointment, who, within ten days after the receipt of such notice, shall appoint two Commissioners, and notify the Board thereof. The four Commissioners so appointed shall elect a fifth; but in case of their inability to agree upon such fifth Commissioner within ten days, he shall be appointed by the County Judge of the said city and county. In case of the failure of the grantees or their assigns to appoint Commissioners on their part, as above provided, or in case of their refusal to act, the County Judge shall have the power of appointing them; said Commissioners shall make their appraisement and present their report within thirty days after the completion of the commission, and file the same in the office of the Clerk of the Board of Supervisors; a majority of said Commissioners shall constitute a quorum, and the award of the majority shall be final and binding on the parties. The amount of the award ^{value, how determined.} shall be paid by the Treasurer of the City and County to the grantees or their assigns within sixty days after the filing of said award, and thereupon the title to said railroad and cars shall vest in the said city and county. ^{How paid.}

SEC. 9. Nothing in this Act shall be so construed as in any-
wise to prevent the proper authorities of the said City and
County of San Francisco from sewer ing, grading, paving, plank-
ing, repairing, or altering any of the streets hereinbefore specified;
but all such work shall be done, if possible, so as not to obstruct the free passage of the cars upon the said railroad; and when the same shall not be possible, the said authorities, before the commencement of said work, shall allow to the owners of said railroad time sufficient to shift their rails, or take other means so as to avoid said obstruction during the continuance thereof, which they, the said owners, are hereby authorized to do.

SEC. 10. The owners of said railroad shall pay to the City ^{License.} and County of San Francisco the sum of fifty dollars per annum license for each car used by them upon said railroad.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAP. DLVI.—An Act to create a Board of Water Commissioners in Fresno County, and to define their powers and duties.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be elected at the next election held in the County of Fresno for the election of a member of the Board of Supervisors, three Water Commissioners, who shall ^{Commissioners to be elected.}

Term of office.

Vacancy.

Powers and duties.

hold their offices until the next general election, and until their successors are elected and qualified; and at each general election thereafter there shall be elected three such Commissioners, who shall hold their offices for the term of two years, and until their successors are elected and qualified; and until the first election herein provided for, James Tucker, John Bubb, and Daniel Rhodes, shall constitute such Board of Water Commissioners, which Board shall have the power and perform the duties hereinafter provided. In case a vacancy should occur in said Board by death or otherwise, it shall be filled by the Board of Supervisors of said county by appointment; and each member shall, before entering upon the duties of his office, and within ten days after the reception of notice of his election or appointment, qualify by giving a bond to the satisfaction of the Board of Supervisors, in the sum of one thousand dollars, for the proper disposal of all moneys which may come into his possession, and for the proper performance of his duties.

SEC. 2. The duties of said Commissioners shall be as follows:

First—They shall elect one of their number as Chairman, and one as Clerk of the Board; they shall, from time to time, appoint as many Overseers as they may deem necessary for the construction of the water ditches, and the care of the watercourses, and define the boundaries within which they shall act in the county; and they may revoke such appointments at pleasure.

Second—Upon the petition of a majority of the citizens of any district or neighborhood, they shall lay out such ditch or ditches as may be necessary to irrigate the land in cultivation in the district, and apportion the water in the same to each individual in proportion to the land in cultivation by each; *provided*, that should the water be insufficient for a continuous supply to all, the Commissioners shall, upon a petition of a majority of those interested, re-apportion the same without prejudice to any.

Third—No ditch shall hereafter be taken out of any stream in the waters of which different persons have an interest without leave of said Commissioners; and upon a receipt of an estimate from the Overseers, or upon an estimate of their own, of the number of days' work necessary to construct or repair any ditch, and the amount of land proposed to be irrigated by each individual using water therefrom, the Commissioners shall apportion such labor amongst those interested in proportion to the amount of water required by each; and should such labor fail to complete the work, they may immediately make a new assessment in the same proportion.

Fourth—They shall, as soon as they have apportioned the water, make a schedule of the hours which each person is entitled to use the same, commencing at the head of each ditch; and also the amount of labor performed or to be performed; and a copy of said schedule shall be posted at the head of the ditch; and such apportionment shall be binding, unless modified by the unanimous consent of those interested.

Fifth—A book shall be furnished by the Board of Supervisors of said county, in which said Commissioners shall keep a full record of all official acts of said Board, which shall be open to the inspection of any citizen, and shall be delivered over to their successors in office.

SEC. 3. It shall be the duty of the Overseers to execute the orders of the Commissioners; to examine, on or before the first day of February in each year, the various ditches in their districts; make an estimate of the amount of labor necessary to put them in good repair, and report the same to the Board, together with the capacity of said ditches, and the amount of land to be irrigated thereby; to see that the water is properly used as apportioned, that the ditches are kept in good repair, and that the labor required is properly expended.

SEC. 4. Said Overseers shall each keep a correct account of all work done under his supervision and by whom; and any person who shall neglect or refuse to perform their proportion of work after having received three days' notice to do so, shall pay the sum of ten dollars for each day's labor due from him, which shall be recovered at the suit of the Overseer, with costs of suit, before any Court of competent jurisdiction in the county or township, and all such money shall be applied to the construction or repair of the ditch upon which the labor was due; *provided*, that when any ditch shall break so as to cause a loss or wastage of water, those interested shall respond immediately to the notice of the Overseers for the repair of the same, under the same conditions as to delinquencies already provided for in this section.

SEC. 5. Eight hours' labor shall constitute a day's work; a team of two horses shall be equivalent to one day's work; a plough, wagon, or scraper, shall each, when used, be equal to one half day's work; and when required by the Overseers, persons shall, if practicable, furnish such implements as shall be necessary to the work.

SEC. 6. In case any district or person shall consider that the water has not been properly apportioned, or in case the Commissioners cannot agree upon the apportionment, the matter may be referred to the County Judge of the county, who shall determine the matter in contest.

SEC. 7. The Commissioners and Overseers shall each be allowed and paid two dollars for each day actually employed in the discharge of their duties required by this Act, and for the purpose of paying the same the Commissioners are hereby authorized to levy a tax within the county, upon each person benefited, in proportion to the amount of water used by each, which tax shall be collected by the Overseer and paid over to the Commissioners, who shall disburse the same as required by this section; and the general laws for the collection of taxes are made applicable to the collection of this tax.

SEC. 8. The Commissioners shall have the right of way to lay out and construct ditches through any lands in said county, and any person damaged thereby or by the water of any ditch, shall be entitled to such compensation as may be agreed upon between the parties interested; and in case the parties cannot agree, each party shall choose an arbitrator, and the two so chosen shall choose a third, and such arbitrators shall assess the damages sustained, under oath, which sum shall be paid by the parties using the water in proportion to the amount each is entitled to use, and the decision of said arbitrators shall be final, and such decision shall have the force and effect of a judicial decision.

Overseers
to report
capacity
of ditches.

To keep
accounts.

Hours of
labor.

Reference
to County
Judge.

Overseer.

Levy of tax.

Arbitrator
to settle
disputes.

**Penalty for
using water
or injuring
ditch.**

SEC. 9. Any person using water from any ditch or water-course in the county, to which he is not entitled in accordance with the provisions of this Act, to the detriment of others, or who shall obstruct the waters of any watercourse or ditch by any dam or otherwise, or who shall wantonly break or injure any ditch, or who shall obstruct or hinder any Overseer in the performance of his duty, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding one hundred and not less than twenty dollars for the first offence, and not more than three hundred and not less than fifty dollars for every subsequent offence, or imprisonment in the County Jail for not more than thirty nor less than five days, or by both such fine and imprisonment. Any person violating the provisions of this section shall be prosecuted before any Court of competent jurisdiction in the county or township upon the complaint of any person aggrieved, or by any member of the Board of Commissioners, and all moneys collected as fines under the provisions of this section shall be applied by the Commissioners to the payment of Overseers and the repair of the ditches which may have been damaged.

**Waters not
subject to
this Act.**

SEC. 10. When water rises upon lands owned by any person it shall not be subject to the provisions of this Act until it shall have passed beyond the limits of said land; and no person or persons shall divert the waters of any river or stream from its natural channel to the detriment of any person or persons located below them on the same stream.

**Voluntary
associations
not to be
interfered
with.**

SEC. 11. The provisions of this Act shall not in any manner interfere with, or render invalid, or inoperative, or in any way whatever embarrass or interrupt the acts heretofore done and performed by voluntary associations, or individuals may have constructed before the passage of this Act; and, *provided*, further, that this Act shall not impair or interfere with the vested rights of such associations or individuals as aforesaid in any water ditch or water privilege, or the future exercise of such rights or privileges, in the county named in this Act.

SEC. 12. All Acts of a general character conflicting with the provisions of this Act, so far as applicable to the County of Fresno, are hereby repealed.

SEC. 13. This Act shall take effect and be in force from and after its passage.

CHAP. DLVII.—*An Act to provide for the maintenance and government of the State burial ground.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

**Board of
Trustees
created.**

SECTION 1. A Board of Trustees of the State Burial Ground is hereby created. Said Board shall consist of five members, of whom the Lieutenant-Governor of the State shall, *ex officio*, be one. The other members shall be elected by the Legislature

as hereinafter provided; *provided*, however, that until their respective successors are elected, the following persons, to wit: Isaac Davis, S. D. Smith, A. T. Nelson, and Jerome Madden, shall be members of said Board.

SEC. 2. At the first meeting of the Board after the passage ^{Term of office.} of this Act the four persons named in section one shall determine by lot which two shall hold office for two and which for four years; and hereafter the Legislature shall, in joint convention, at each biennial session, on such day as it may by resolution determine, elect two members of such Board, who shall hold office for four years.

SEC. 3. There may be interred in the State burial ground ^{Who may be buried in State burial ground.} any person who at the time of his death is a member of the Senate and Assembly, or a State officer elected as such by general ticket, or holding by virtue of an appointment to fill a vacancy of a State officer elected by general ticket.

SEC. 4. The Board of Trustees of the State Burial Ground ^{Trustees to control the ground.} shall have the control and management of said ground and of the expenditure of all moneys appropriated for its maintenance or improvement, but said Trustees shall receive no compensation for their services.

SEC. 5. This Act shall take effect on its passage; and all laws and parts of laws conflicting with its provisions are hereby repealed.

CHAP. DLVIII.—*An Act to pay the claim of John D. Crowley.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of ninety-nine dollars and eighty-eight cents is hereby appropriated out of the General Fund to pay ^{Appropriation.} the claim of John D. Crowley for labor and materials furnished in constructing shelves in the State Library.

CHAP. DLIX.—*An Act supplementary to an Act entitled an Act to redistrict the County of Santa Cruz, and to provide for the election of Supervisors, approved April second, eighteen hundred and sixty-six.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever, under the provisions of the Act to which this Act is supplementary, a year occurs when under the laws of this State no general election is held, then the election ^{When election to be held.}

provided for under the Act to which this Act is supplementary shall be held on the first Monday in September of said year.

CHAP. DLX.—An Act to authorize John Forney, J. B. Frisbie, and Nathan Coombs to establish and maintain a public ferry across the Straits of Carquinez.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Ferry franchise. SECTION 1. John Forney, John B. Frisbie, and Nathan Coombs, or their assigns, are hereby authorized to establish and maintain a public ferry between the Town of Vallejo, in Solano County, across the Straits of Carquinez, to the most convenient point in the County of Contra Costa, at the Pinole Valley, or at any point west of the Pinole Valley.

Term. SEC. 2. The franchise herein granted shall extend to and be for the term of twenty years from the passage of this Act; *provided*, the parties named in the first section of this Act, or their assigns, shall, within three years from the passage of this Act, put on and maintain on said ferry route a suitable steam ferry-boat, sufficient to accommodate all the trade and travel desiring to use the same.

Rate of toll. SEC. 3. The rates of toll, freight, and ferriage which the grantees under this Act shall be entitled to charge and collect, shall be subject to regulation annually by the Board of Supervisors of the County of Contra Costa. The said parties, in constructing said ferry, shall be subject to all the laws of the State regulating public ferries, and the Board of Supervisors shall fix the rate of toll, freight, and ferriage; *provided*, that the rates so fixed shall not at any time be so reduced as to make the receipts less than eighteen per cent per annum on the actual capital invested in the business of said ferry.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. DLXI.—An Act to appropriate money for the payment of J. W. Morris.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation. SECTION 1. The sum of thirteen hundred and thirty-three one-hundredths dollars, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of J. W. Morris for the said sum of thirteen hundred

and thirty-three one-hundredths dollars, for collecting taxes for the County of Mendocino for the years eighteen hundred and sixty-four and eighteen hundred and sixty-five; and the Controller of State is hereby authorized and directed to draw his warrant on the State Treasurer in favor of said Morris for the sum above mentioned, and the Treasurer of State is authorized to pay the same.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. DLXII.—*An Act relating to the Sacramento Wharf Company.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. WHEREAS, On the first day of November, eighteen hundred and sixty-five, the Trustees of the City of Sacramento passed an ordinance, numbered Fifty-five, and entitled an ordinance granting certain wharf privileges in the City of Sacramento to the Sacramento Wharf Company, of which the following is a copy, to wit:

“**SECTION 1.** There is hereby granted to the Sacramento Wharf Company and their assigns, for a term of fifty years, for the purpose of constructing wharves, derricks, chutes, freight and passenger buildings, platforms, and other buildings and fixtures, that portion of the city water front lying between the Sacramento River on the west, and a line running parallel to and eighty feet west of the east line of Front street on the east, the south line of M street on the south, and a line parallel thereto and thirty feet south of the present freight shed of the California Steam Navigation Company on the north, excepting and reserving that portion already leased to the said Steam Navigation Company, with the right of constructing railroad tracks from the north line of N street over the city front to such wharves as they may construct between L and M streets, with all the necessary tracks and switches thereon, reserving, however, the right to collect from all vessels discharging thereat such wharfage, tonnage, and levee dues as may be established by law or ordinance.

“**SEC. 2.** The said Sacramento Wharf Company shall, within one year from and after the passage of this ordinance, construct on the said water front between L and M streets, a substantial wharf with capacity and machinery sufficient for loading and unloading vessels equal to the wharf now used by the Central Pacific Railroad Company in this city, and shall load and discharge vessels at said wharf at a compensation not exceeding twenty-five cents per ton; and shall also construct and maintain on said wharf all necessary railroad tracks connecting with the track of the Sacramento Valley Railroad and Central Pacific

Railroad, when their tracks shall be extended thereto, and allow said companies to use and operate the same.

"SEC. 3. The rights and privileges herein granted shall take effect and have the force of a contract between said city and said wharf company; *provided*, that said company shall, within twenty days from the passage of this ordinance, file with the Clerk of the Board of Trustees their written acceptance of the terms and provisions of this ordinance."

Confirmation.

And, whereas, the said Sacramento Wharf Company duly filed their acceptance of the terms and provisions of said ordinance, as required by the provisions thereof, therefore, the said ordinance and all the rights and privileges therein granted, are hereby fully ratified, confirmed, and granted to the said Sacramento Wharf Company, their heirs and assigns.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DLXIII.—*An Act defining the time when reports shall be made by certain officers.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

When State officers to report.

SECTION 1. The Secretary of State, Controller, Treasurer, Surveyor-General, Adjutant-General, Superintendent of Public Instruction, Directors and Visiting Physicians of the Insane Asylum, Directors of the State Prison, State Capitol Commissioners, Trustees of the State Reform School, Board of State Harbor Commissioners, and all other officers and Boards of officers which are now or that may hereafter be required by law to make reports to the Governor or Legislature, shall send such reports to the Governor on or before the first Monday in November, in the year eighteen hundred and sixty-seven, and every second year thereafter; *provided*, that such reports shall be made in the manner and form now required by law.

Additional reports may be required.

SEC. 2. It shall be lawful for the Governor to require of any officer or Board of officers mentioned in section one of this Act, or that may be by law required to make biennial reports, to require at any time special reports concerning the business of their respective offices, and it is hereby made the duty of such officers or Boards of officers to make such special reports to the Governor whenever required by him in writing so to do.

SEC. 3. All Acts and parts of Acts inconsistent with this Act, so far as they conflict with the provisions of this Act, be and the same are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. DLXIV.—An Act to authorize the County Auditor of Fresno County to issue bonds to aid in the construction of a wagon road.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Auditor of the County of Fresno is hereby authorized and directed, upon the order of the Board of Supervisors thereof, to issue bonds of said county not exceeding twenty-five thousand dollars. Said bonds shall be signed by the County Auditor and countersigned by the County Treasurer of said county, shall be of the denomination of five hundred dollars each, shall bear interest at the rate of ten per cent per annum, and shall be made payable as near as may be in equal instalments in four, seven, and ten years from the date of their issue.

SEC. 2. Said bonds when so issued shall only be used by the Board of Supervisors as a loan to aid in the construction of the wagon and turnpike road between the San Joaquin and Owen's River, by S. A. Gouse and others, under a law passed A. D. eighteen hundred and sixty-six, on such terms as they may deem most advisable.

SEC. 3. Said Board may order said bonds to be issued with coupons attached thereto, and the interest made payable thereon annually or semi-annually, in their discretion, at the office of the County Treasurer, or such other place as they may designate, which coupons shall be duly numbered and express thereon the amount of interest due each year, when and where payable, and shall be signed by the County Auditor and countersigned by the Treasurer in the same manner as the bonds are required to be signed.

SEC. 4. It shall be the duty of the Board of Supervisors to keep a record of the number, denomination, and amount of all bonds issued, showing the date of issue, to whom issued, and the number of each bond.

SEC. 5. In addition to the taxes now authorized by law to be levied in the County of Fresno, the Board of Supervisors are hereby authorized to levy and have collected by the proper officers such additional tax as they may deem necessary, to be called the "Road Bond Tax," to meet the requirements of this Act. The manner of levying and collecting said tax shall be the same as that provided by law for levying and collecting State and county taxes; provided, that for the present year the same may be levied and assessed at a special meeting of the Board of Supervisors of said county, to be held for that purpose.

SEC. 6. Whenever the County Treasurer shall pay any coupons or bonds under the provisions of this Act he shall cancel the same, preserve the said cancelled coupons and bonds, and keep a record thereof, giving the number, date, and amount of each, and from whom received, and shall write across said

coupons or bonds the words "Cancelled by me," and sign his name thereto as Treasurer.

Sec. 7. This Act shall take effect from and after its passage.

CHAP. DLXV.—*An Act to fix the rate of taxation for State purposes.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Levy of tax. SECTION 1. An ad valorem tax of one dollar and five cents upon each one hundred dollars value of taxable property, which tax shall include the taxes provided by law to be levied for the payment of the funded debts of this State and the interest thereon, is hereby levied and directed to be collected and paid for State purposes upon the assessed value of all property in this State not by law especially exempted from taxation.

Sec. 2. This Act shall take effect immediately.

CHAP. DLXVI.—*An Act supplementary to an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals, approved May fourteenth, eighteen hundred and sixty-two.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

May borrow money, issue bonds, etc. SECTION 1. Canal companies formed under the provisions of the Act to which this Act is supplementary, shall have the power to borrow money, and issue bonds or promissory notes therefor, and execute mortgages to secure the payment of the same, in the same manner and under the same restrictions as railroad companies may under the provisions of an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, one thousand eight hundred and sixty-one.

Sec. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DLXVII.—*An Act concerning the assessing and collecting of revenue in the County of Yuba.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County of Yuba shall be divided into three Revenue Districts, to be numbered One, Two, and Three. District Number One shall consist of the following named townships, as the same are known and designated upon the official map of Yuba County, to wit: Marysville, Linda, West Bear River, and East Bear River Townships; District Number Two shall consist of Long Bar, Park's Bar, and Rose Bar Townships; District Number Three shall consist of New York, Foster Bar, Slate Range, and Northeast Townships.

SEC. 2. There shall be elected in each of said Revenue Districts of the County of Yuba, at the general election to be held in the year A. D. eighteen hundred and sixty-seven, and at the general elections every two years thereafter, one District Assessor, who shall be ex officio District Tax Collector for the purposes hereinafter named, and shall hold his office for the term of two years from the first Monday in March subsequent to his election and until his successor is duly elected and qualified.

SEC. 3. Every person so elected District Assessor shall, before he enters upon the duties of his office, make and file his bond in the office of the County Clerk, with two or more sureties, to be approved by the County Judge, in the penal sum of three thousand dollars, conditioned for the true and faithful performance of the duties of his office as such Assessor, and shall be otherwise conditioned as now is or may be required by law, and shall take the oath of office, which shall be indorsed upon his certificate of election or appointment.

SEC. 4. In case of a vacancy in the office of District Assessor, or failure of any of said Assessors to qualify as required by law, the Board of Supervisors shall appoint some suitable person possessing the qualifications of an elector residing within such district to fill the vacancy, and the person so appointed shall give the bonds and take the like oaths that are required of District Assessors elected by the people, and shall hold his office for the balance of the unexpired term and until his successor is elected and qualified.

SEC. 5. The County Auditor of said County of Yuba shall, with the advice and assistance of the District Attorney, prepare an assessment roll with the proper headings in a well bound book for each Assessor, and shall on or before the first Monday in March in each year deliver the same to each Assessor in said county, and shall also prepare suitable blank statements for the use of such Assessors, which blank statements shall be substantially in the form following:

Form. *Statement of personal property belonging to or under the control of*

Description of Property.	Value.
1st—All household and kitchen furniture, law, medical, and miscellaneous libraries.....	\$
2d—All stocks of goods on hand, all goods, wares, and merchandise, and chattels of every description.....	
3d—All moneys on hand or on deposit in bank or banks, or with individuals, and all gold dust.....	
4th—All money at interest or loaned, whether secured by mortgage, pledge, or otherwise.....	
5th—All solvent debts exceeding what may be due from such person, corporation, association, or firm.....	
6th—Horses, mules, oxen, cows and calves, beef cattle, sheep, hogs, goats, jacks and jennets, wagons, buggies, carriages, and other vehicles.....	
7th—All machines and machinery, all works and implements not fixed to the soil and not included in real estate.....	
8th—All other property, not real estate, not otherwise taxed or included in this statement.....	
Total value of personal property.....	\$

Real estate, including improvements thereon.

Description.	Acres.	Value of Land.	Improvements.	Total Value.
		\$	\$	\$
Totals—Value of Land and Improvements.....		\$	\$	\$

Duty of Assessor.

Statement.

It shall be the duty of each Assessor to require such statement under oath, (and for that purpose he is hereby authorized to administer oaths and affirmations,) from every male inhabitant and all sole traders in his district, (except California Indians and Chinese,) whether such person or persons shall claim to have or shall have property or not. Every such statement made to the Assessor shall be signed and verified by the person making such statement, and shall state in substance, under oath, that the person, corporation, association, company, or firm, making the statement or in whose behalf such statement is made, has no property of any kind or nature situate or being within the county, other than the property included in such statement; that such person, association, company, or firm, has not the possession, charge, or control of or any interest in any property, whether real, personal, or mixed, situate, lying, or being within such county, other than the property mentioned and described in such statement; that such statement is a full, true, correct,

and complete statement of all the different kinds of property owned or claimed by such person, corporation, association, firm, or company, lying or being within said county, or owing to or in the possession, charge, or control of such person, corporation, association, firm, or company, and that the value thereof given in said statement is true according to his judgment, knowledge, and belief. The Assessor shall accept the valuation of the property contained in such statements, unless he shall deem the same or some part thereof undervalued, and in that case it shall be his duty to assess the same at its true cash value and indorse the valuation so assessed by him upon such statement. If any person, officer, or agent, shall neglect or refuse on demand of the Assessor to give under oath or affirmation the statement required in this section, it shall be the duty of the Assessor to make an estimate of the value of the taxable property which such person, officer, or agent neglected or refused to render under oath or affirmation, and the value so fixed by the Assessor shall not be reduced by the Board of Equalization.

SEC. 6. It shall be the duty of each District Assessor in said County of Yuba to return to the Auditor of said county on or before the first Monday of each month during the time he may be so engaged in assessing, all statements of property so assessed by him, and shall make and subscribe an oath before said Auditor that he has so delivered to him all statements of every description and kind, and that such statements comprise the whole amount of property which has been assessed by him since his last return. The Auditor shall proceed at once to examine and arrange all such statements for each district, and to copy:

First—Those describing personal property only, in each district, in a book in alphabetical order, entering the name of the person so assessed having personal property only, together with the value of said property, in dollars, opposite each name, which book shall be known as the “Duplicate Assessment Roll of Personal Property,” A. D. 18—, Auditor’s office, Yuba County.

Second—Those describing real property, or real and personal property in all the districts, in a book in alphabetical order, entering the name of each person so assessed having real property or real and personal property, together with his residence or the location of such real property, and a proper description thereof and the improvements thereon, in dollars, in the manner and form now prescribed by law, which book shall be known as the “Duplicate County Assessment Roll,” A. D. 18—, Auditor’s office, Yuba County.

And he shall also enter the name of each owner of real estate upon the plat books in the manner and form now prescribed by law, when such real property shall be within the incorporate limits of the City of Marysville, or upon any lands that have been surveyed within said County of Yuba by the authority of the Government of the United States, and for that purpose said Auditor is hereby directed, authorized, and required to have prepared under the direction of the Board of Supervisors, suitable plats or maps of all such lands hereinbefore described, said plats or maps of all lands lying and being outside the incorporate limits of the City of Marysville in said county which have been surveyed and laid out by an United States Surveyor or Deputy

Names of
counter
claimants to
be entered
on Duplicate
Assessment
Roll.

Surveyor, upon a scale of not less than two inches to the mile, upon which plats or maps shall also be entered in pencil the value so assessed upon the several rolls, together with the name or names of the claimants or owners. When more than one person shall claim the same piece of land or any part thereof, such claim shall be so designated upon the map or plat, and the name of each claimant written thereupon, and such real estate shall be assessed to the party first giving [in] his statement thereof, and the names of all other claimants or owners shall be entered upon the "Duplicate County Assessment Roll" in red ink, opposite the description of the property so assessed as aforesaid, and only one valuation and tax shall be entered and extended against any such property.

SEC. 7. On or before the first Monday of August in each year each District Assessor shall complete his assessment roll and make and subscribe before the Clerk of [the] Board of Equalization of his county an affidavit, which shall be attached to his assessment roll, which shall be substantially in the following form :

Oath.

I, _____, District Assessor in and for District No. _____, Yuba County, California, do solemnly swear that the foregoing, from page _____ to page _____, both inclusive, is a true and correct assessment roll of my district in the County of Yuba; that I have diligently and faithfully performed all the duties required of me by law; that I have made diligent search for all taxable inhabitants, and in every instance demanded from each person and firm, and from the President, Cashier, Treasurer, Secretary, or Managing Agent of each corporation, association, or company within my district, when such person could be found, a written statement, under oath, of all the taxable property of such person, firm, corporation, association, or company, and that I have impartially assessed the value of all property within my district. So help me God.

Duties of
Auditor and
Assessor.

And at the same time he shall carefully compare said roll or list with that of the Auditor, each with the other respectively, as to each name therein, the kind and value of property thereof. And the Auditor and the Assessors of such districts wherein the land has been surveyed and platted shall carefully compare the plats or maps, so far as the names contained thereon and the value of property, with like names and values upon the "Duplicate County Assessment Roll," and after such comparison he shall deliver his roll or list, together with the maps or plats, to the Clerk of the Board of Supervisors, who shall keep the same open for inspection until the meeting of the Board of Equalization, and he shall give the notice required by law; provided, nothing herein contained shall be construed as to prevent or relieve each Assessor from making, completing, and returning a subsequent assessment list or roll, or to make a settlement relative thereto, as required by the general revenue laws of this State.

Auditor to
furnish
receipts.

SEC. 8. The County Auditor shall cause to be printed blank tax receipts, in a convenient form, with suitable blank margins, for the use of the Collectors of personal property tax, and

cause the same to be bound in convenient sized books, which blank receipts and the margins thereof he shall number in red ink, commencing with number one (1) each year, and shall deliver to each District Tax Collector as many such receipts or books of receipts as may be required by him for use in his district, and shall take a receipt from each Collector for the number of receipts so delivered to him. And the Auditor shall also cause to be printed proper blank receipts, with suitable margins, for State and county taxes on real property and real and personal property, for the use of the County Treasurer, which said receipts shall be consecutively numbered by said Auditor, and deliver to the County Treasurer a sufficient number of such receipts, properly bound in a book or books, for his use within his county, taking his receipt therefor.

SEC. 9. Each District Collector, before he enters upon the ^{Bond of} _{Collector} duties of his office, shall make and file his bond in the office of the County Clerk, with two or more sureties, to be approved by the County Judge, in the penal sum of five thousand dollars, or such greater sum as the Board of Supervisors of said county may require, conditioned for the faithful performance of all the duties of his office as such Tax Collector, and shall be further conditioned as now is or shall be required by law, and he shall take the oath of office, which shall be indorsed upon his certificate of election or appointment.

SEC. 10. The District Collector in each district is hereby ^{Powers and} _{duties.} authorized and required upon receiving a statement of any movable personal property from any person, firm, corporation, association, or company, not owning real estate within his district, to demand the taxes upon the same; and if any such person shall neglect or refuse to pay such taxes to the Assessor as such Collector of Taxes, he shall seize sufficient of the personal property of the party so neglecting or refusing to pay to satisfy the taxes and costs, and shall post a notice of such seizure, with a description of the property, and the time and place where it will be sold, in three public places in the township where it is seized, and shall, at the expiration of five days, proceed to sell at public auction, at the time and place mentioned in such notice, to the highest bidder for cash, a sufficient quantity of the property to pay the taxes, expenses, and costs incurred; and for this service he shall be allowed from the delinquent party a fee of three dollars, and the same mileage from his residence to the place of sale that the Sheriff would be entitled to receive for travelling to the place to make the levy; and upon the payment of the purchase money, he shall deliver to the purchaser the property sold, together with a certificate of the sale and of the amount of taxes or assessments and expenses thereon for which the property was sold, whereupon the title to the property so sold shall vest absolutely in the purchaser. He shall also demand ^{Poll taxes.} of each and every person within his district liable to pay any State poll tax or military poll tax, the said taxes of such person or persons, and upon the payment thereof to deliver to the person so paying the proper receipts therefor. It shall be the ^{Settlement.} duty of the District Collectors, when they make their settlements with the Treasurer on the first Monday of each month, to furnish such officer with a full and correct list of the names

of all persons doing business within said county and liable to pay State and county license tax for following such business.

Powers and
duties of
Board of
Equalization

SEC. 11. During the session of the Board of Equalization the Clerk thereof shall enter upon the assessment roll of each district all changes and corrections of the value of property therein described made by the Board of Equalization, and shall, on their adjournment, forthwith deliver the assessment rolls so corrected to the County Auditor, whose duty it shall be to add up the columns of valuation of every description of property on the assessment roll of each district; and on or before the first Monday in September he shall deliver a copy or duplicate of the corrected assessment rolls, to be known as the "Duplicate County Assessment Roll," which roll shall be the book prepared by said Auditor from the original statements, and which has been by him carefully compared and made to correspond with the original books of the Assessors, and which "Duplicate County Assessment Roll" shall contain the names of all persons having assessed to them both real property and real and personal property in said county, with the State, county, and other taxes and totals of taxes to each person carried out in separate columns, with his certificate and seal attached thereto, to the County Treasurer, who is hereby made the Collector of such taxes, and for whom such "Duplicate County Assessment Roll" was made. Upon receiving such "Duplicate County Assessment Roll" from the Auditor, the County Treasurer, as such Collector, shall proceed to collect the taxes, and shall forthwith give notice to the taxpayers of the county, by publishing a notice in some newspaper printed in said county that the State and county taxes are due and payable, and that the laws in regard to their collection will be strictly enforced; and it shall be the duty of all persons owning real estate or real estate and personal property to pay their taxes or cause such taxes to be paid to the County Treasurer, such Collector of Taxes, at his office in the Court House of said county.

Duties of
Treasurer.

SEC. 12. Upon the payment of any State and county taxes to any Tax Collector, such Tax Collector shall deliver to the payer of such taxes one of said receipts mentioned in section eight of this Act, which shall contain a description of the property paid upon, the value thereof, and the amount of taxes so paid, and shall at the same time fill up the blanks in the margin of said receipts with the date of payment, name of the payer, or for whom paid, value of property paid upon, and the amount of taxes so paid, and shall also mark the word "paid" and the number of the receipt so issued on his assessment roll opposite the name of the person and description of property paid upon. Any Tax Collector who shall receive any taxes upon property and issue any other or different receipt than those furnished him as herein provided, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by fine not exceeding one hundred dollars, or imprisonment in the County Jail not exceeding thirty days, and may be removed from office.

Penalty for
issue of
different
receipt.

SEC. 13. Each District Collector shall collect within his district all State and county taxes upon personal property assessed to persons having no real estate or improvements upon real estate assessed to such persons, all State poll taxes, and all mili-

Collector
to collect
all taxes.

Duplicate
roll, what
to contain.

Receipts,
what to
contain.

tary poll taxes, from all persons within his district liable to pay such taxes.

SEC. 14. The County Treasurer of said County of Yuba, in addition to the duties now required of him by law, shall collect all State and county taxes against all persons having assessed to them within his county real property or real and personal property, and shall collect all State and county licenses now required by law to be collected by County Collectors, except foreign miners' licenses; and he shall make monthly settlements with the County Auditor, under oath, for all moneys so collected by him as now is or may be required by law, and shall be liable upon his bond for the faithful discharge of such additional duties.

SEC. 15. The Sheriff of the County of Yuba, in addition to the duties now required of him by law, shall collect all foreign miners' license tax in said County of Yuba from all persons liable by law to pay the same, and shall make monthly settlements, under oath, of allmoneys so collected by him as now is or may be required by law, and shall be liable upon his bond for the faithful discharge of such additional duties. For such additional service he shall receive and retain for his own use out of the moneys so collected by him the same fees as are now provided by law for collecting the same.

SEC. 16. Each District Collector shall on the first Monday in each month make a full settlement with the County Treasurer and County Auditor. He shall first pay over all moneys collected by him for property taxes and all poll taxes, less his fees thereon for collection, to the County Treasurer, and shall take from said Treasurer receipts in duplicate for the same, one of which he shall present to the Auditor on the same day, and shall at the same time deliver to the Auditor a written statement verified by the following oath, in writing, attached thereto and subscribed by the party making the same, such oath to be administered and certified by the Auditor, viz:

I, _____, District Collector in and for Revenue District _____, Number _____, in Yuba County, do solemnly swear that I have for the month preceding this settlement, diligently and faithfully to the best of my ability performed all the duties of District Collector in my district as required by law; that I have not knowingly permitted any person or persons to escape from, avoid, or evade the payment of any property tax or any poll tax that I have the authority to enforce the collection of, and that the sum of _____ dollars paid over by me to the County Treasurer is the just and true sum received by me during the preceding month since my last settlement from all sources whatever for State and county revenue, less the fees allowed me by law for collecting the same; and that I have not issued or caused or permitted to be issued any poll tax receipts or receipts for State and county taxes not furnished me by the proper officers; and that I have in no instance taken from any person or persons any sum of money or other valuable thing whatever, or promise of reward, and allowed the

said person or persons to evade the payment of their poll taxes or their property tax. So help me God.

Settlement by Sheriff and Treasurer.

The Sheriff and the Treasurer shall make monthly settlements as above provided of all revenue collected by them, and the same oath as required in this section so far as the same may be applicable. The Auditor shall file such statements, with the oath attached thereto, in his office.

Collector and Treasurer to return stubs.

SEC. 17. Each District Collector and the County Treasurer shall, on their final settlement for the State and county taxes as is provided by law, return to the Auditor stubs of all receipts that have been issued by them for State and county taxes on real estate and personal property, and shall, in addition to the oaths required of them, make oath that no other receipts for such taxes have been issued by them respectively.

How assessment rolls to be charged.

SEC. 18. On delivering the duplicate county assessment roll to the County Treasurer, authorized herein to collect State and county taxes, the Auditor shall charge to each District Collector the full amount of taxes levied upon personal property taxed or assessed in his district, as shown by the respective duplicate assessment rolls of personal property of such respective districts, to persons other than those owning or having assessed to them real property; and he shall charge to the County Treasurer the full amount of taxes levied as shown by the duplicate county assessment roll so delivered to him, and shall forthwith transmit by mail to the Controller the statements of the amounts so charged as required of him by law.

Laws made applicable.

SEC. 19. All general laws relating to County Collectors are hereby made applicable to the County Treasurer of Yuba County in the collection of taxes and settlements therefor, as herein provided, in so far as they may not be inconsistent with the provisions of this Act.

Pay of Assessors.

SEC. 20. The District Assessor in and for the First Revenue District shall, for all the services required of him by law as such Assessor, receive the sum of one thousand dollars per annum, and no more; and each of the District Assessors in and for the Second and Third Districts shall receive for all the services required of them respectively as such Assessors, by law, the sum of six hundred dollars per annum each, and no more; such salary to be audited and allowed by the Board of Supervisors upon the certificate of the County Auditor that said Assessors have discharged all the duties required of them by law, and have made their final settlements in accordance therewith; such salaries payable semi-annually out of the General Fund of said county.

Collector.

SEC. 21. Each District Collector shall be allowed upon all sums of money collected by him as State and county taxes upon property, at the rate of two per centum, and upon State poll taxes and military poll taxes the commissions and percentage as now allowed by law, to be retained by them as fees out of the amounts so collected, which shall be in full for all their services as such Collectors.

SEC. 22. The County Treasurer shall be allowed and receive for his services required by law, a salary of two thousand dol-

lars per annum, payable quarterly out of the County Treasury, <sup>Pay of
Treasurer.</sup> and shall also be allowed to retain for his own use and benefit, from all State and county taxes collected by him as required by section fourteen of this Act, two per cent thereon, and no more; and for all State and county licenses, including bridge and ferry license sold by him, the sum of fifty cents each, to be paid by the party procuring the license in all cases; and no other or greater compensation or fees shall be allowed, charged, received, or retained by him.

SEC. 23. The provisions of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and all Acts amendatory thereof and supplementary thereto, so far as the same are not inconsistent with the provisions of this Act, are hereby made applicable to the County of Yuba. <sup>Acts made
applicable.</sup>

SEC. 24. On and after the first Monday of March, A. D. <sup>When Act
shall operate</sup> eighteen hundred and sixty-eight, the offices of County Collector and County Assessor are hereby abolished; *provided*, nothing contained in this Act shall in any manner affect the assessment and collection of taxes prior to the first Monday in March, A. D. eighteen hundred and sixty-eight.

CHAP. DLXVIII.—An Act to legalize the assessments for taxes for the revenue years commencing on the first Monday of March, in the years A. D. eighteen hundred and sixty-four and A. D. eighteen hundred and sixty-five, in the several counties of this State.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessments of taxes upon all property, real and personal, in the several counties of this State, whether for State, county, or other purposes, made by the County, District, or Township Assessors thereof, for the revenue year commencing on the first Monday of March, A. D. eighteen hundred and sixty-four, and for the revenue year commencing on the first Monday of March, A. D. eighteen hundred and sixty-five, are hereby legalized and confirmed, and rendered binding and valid, both in law and equity, against the person and property assessed, and no want of description or indescription or informality or irregularity in the description of the property or person assessed upon the assessment roll, if it can be ascertained or proved by any proper and competent evidence what property or person is intended, shall invalidate the assessment; but the same shall be sufficient and be considered valid, both in law and equity, against the said property and person; *provided*, that this Act shall not be so construed as to legalize any tax levied for the reclamation of swamp and overflowed lands. <sup>Assessments
of tax
legalized.</sup>

SEC. 2. This Act shall take effect from and after its passage.

CHAP. DLXIX.—An Act to create the County of Kern, to define its boundaries, and to provide for its organization.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be formed out of portions of Tulare and Los Angeles Counties a new county, to be called Kern.

Boundaries. **SEC. 2.** The boundaries of Kern County shall be as follows: Commencing at a point on the western boundary line of Tulare County, two miles due south of the sixth standard south of the Mount Diablo base line; thence due east to the western boundary line of Inyo County; thence southerly and easterly, following the western boundary of Inyo County and northern boundary of Los Angeles County, to the northeast corner of Los Angeles County; thence south along the eastern boundary of Los Angeles County to the line between Townships Eight and Nine, north of the San Bernardino base line; thence due west to the Tulare County line; thence southerly along the said Tulare County line to the southwest corner of Tulare County; thence northerly, following along the western boundary of Tulare County to the place of beginning.

County seat. **SEC. 3.** The seat of justice of Kern County shall be at Havilah.
Election. **SEC. 4.** There shall be held an election in said county on the second Thursday in July next, at which election there shall be chosen a County Clerk, who shall be ex officio County Recorder and Auditor; a Sheriff, who shall be ex officio Collector of all property and license tax; a District Attorney; an Assessor, who shall collect all poll tax; a Treasurer; a Surveyor; a Coroner, who shall be ex officio Public Administrator; a Superintendent of Public Instruction; and three Supervisors.

Commissioners of Election. **SEC. 5.** Michael H. Erskine, Eli Smith, Dan. W. Walser, Thomas Baker, and John Bright, are hereby appointed and constituted a Board of Commissioners to designate the election precincts in said County of Kern for the said election, to appoint the Inspectors and Judges of the several precincts as designated, to receive and canvass the returns of election, and to issue certificates of election to the persons entitled to the same. The Board shall meet two weeks previous to the election at Havilah, and shall appoint one of their number President, and one Clerk. A record of their proceedings shall be kept. The attendance of a majority of the members of the Board shall be necessary for the transaction of business. At the said meeting the Board shall designate the precincts of the county, and appoint Inspectors and Judges of such precincts, and give notice at each of said precincts.

Election returns. **SEC. 6.** Sealed returns from officers of election may be delivered to any member of said Board. The Board shall meet on the tenth day subsequent to the election at Havilah, and the returns shall then be opened and read, and under their direction and in their presence a tabular statement shall be made out, showing the vote given at each precinct of the county for each person, and for each of the offices to be filled at the election, and also

the entire vote given for each person. The statement made out by such Board shall be signed by its President and Clerk. The person having the highest number of legal votes for the several offices to be filled shall be declared to be elected, and the President shall immediately make out and send or deliver a certificate of election, signed by him as President of the Board of Commissioners, and attested by the Clerk.

SEC. 7. Immediately after this Act shall be in force, the Governor shall appoint and commission some suitable person as County Judge for said county, who shall hold his office until the next special election for judicial officers, and until his successor is elected and qualified, at which election a County Judge shall be elected by the qualified voters of the county, and hold his office for the term fixed by law.

SEC. 8. The persons elected as county officers, as provided in this Act, shall qualify before the County Judge within ten days after receiving their certificate of election, and shall enter upon the discharge of their duties. They shall hold their respective offices until the next general election for members of the Assembly, and until their successors are elected and qualified. At the next general election for members of the Assembly, and at each general election thereafter, the officers mentioned in section four of this Act shall be elected, and shall hold their offices for the term fixed by law. Before entering upon the discharge of their duties they shall each give a bond, to be approved by the County Judge, for the following amounts: The Sheriff, in the sum of ten thousand dollars; the Clerk, in the sum of five thousand dollars; the Treasurer, in the sum of ten thousand dollars; the District Attorney, in the sum of two thousand dollars; the Surveyor, in the sum of two thousand dollars; the Assessor, in the sum of three thousand dollars; and the Coroner, in the sum of two thousand dollars.

SEC. 9. The President of the Board of Commissioners shall transmit without delay a copy of the tabular statement prepared as provided for in this Act to the Secretary of State; the election returns of the county, and a duplicate tabular statement shall be furnished to and retained by the County Judge until the person elected as Clerk of said county has qualified and entered upon the discharge of his duties, after which they shall be filed in the office of said County Clerk.

SEC. 10. The County Judge shall receive for his services the sum of twelve hundred dollars per annum, to be paid quarterly. The District Attorney shall receive for his services the sum of five hundred dollars per annum, to be paid in the same manner. The other county officers whose salaries are not fixed by law, shall receive for their services such fees as are allowed the same officers for like services in the County of Tulare.

SEC. 11. The County of Kern for representative purposes shall be attached to the County of Tulare, and shall be attached to and form a part of the Fourth Senatorial District, and for judicial purposes shall be attached to and form a part of the Thirteenth Judicial District; and the terms of the District Court in and for said county of Kern shall be held on the fourth Monday of July and December.

Vacancy in Board of Supervisors. SEC. 12. Whenever a vacancy occurs in the Board of Supervisors by death, resignation, or otherwise, the Board shall appoint some suitable person to fill the vacancy until the next general election, when a person shall be elected who shall hold his office for the remainder of the unexpired term for which his predecessor was elected.

Townships. SEC. 13. The Board of Supervisors shall, immediately upon entering on the discharge of their duties, divide the county into a convenient number of townships, and cause such division to be published in some newspaper of general circulation. They shall also, at the same time, provide for an election of two

Justices of the Peace. Justices of the Peace and two Constables for each township; provided, that all township officers chosen at the last general and special election for Tulare and Los Angeles Counties, whose townships by this Act may be included within the present limits of Kern County, shall continue to hold their respective offices for said County of Kern during the term for which they were elected, and until their successors are elected and qualified. They shall also levy State and county taxes for the current fiscal year, and the same shall be as legal and effectual as though levied under existing laws.

Constables. The Board of Supervisors of Kern County shall appoint two Commissioners to meet a corresponding number of Commissioners appointed in like manner by Tulare and Los Angeles Counties, for the purpose of ascertaining and settling the amount of indebtedness said County of Kern shall assume and become responsible for of the debt of each of the Counties of Tulare and Los Angeles, and when ascertained and certified to by said Commissioners or a majority of them to their respective counties, the Board of Supervisors of Kern County shall cause to be issued a warrant drawn upon the County Treasurer of Kern County in favor of each of said Counties of Tulare and Los Angeles for the sums so agreed upon, payable out of any money that may come into the Treasury of Kern County.

Debt. SEC. 14. As soon as an Assessor shall have been elected and qualified in the County of Kern, he shall assess all the taxable property therein for the present fiscal year, and a poll tax upon all who have not paid in any other county, and the Sheriff elect shall collect the property tax and pay the same over to the County Treasurer; and no property tax shall be collected by the officers of Tulare or Los Angeles Counties within the limits of said County of Kern upon any assessment made for the current fiscal year; provided, said County of Kern shall organize under the provisions of this Act.

Roads and highways. SEC. 15. The provisions of an Act entitled an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six, are hereby extended and made applicable to the County of Kern.

SEC. 16. All Acts and parts of Acts inconsistent with the provisions of this Act, so far as applicable to the County of Kern, are hereby repealed.

CHAP. DLXX.—An Act supplemental to and amendatory of an Act entitled an Act to provide for the reclamation and segregation of swamp and overflowed and salt marsh and tide land donated to the State of California by an Act of Congress, approved May thirteenth, eighteen hundred and sixty-one, and all Acts amendatory thereof.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows :

Section 1. All swamp and overflowed lands donated to the State of California by an Act of Congress entitled an Act to enable the State of Arkansas and other States to reclaim swamp lands within their limits, approved September twenty-eighth, eighteen hundred and fifty, or any swamp and overflowed land that may hereafter revert to the State of California by forfeiture or otherwise, having been previously disposed of, together with all the moneys having accrued from the sale of any of the said swamp and overflowed lands, be and the same are hereby granted to the counties respectively in which the greater portion of any district heretofore formed or hereafter to be formed may lie or be situated, to hold in trust for the purpose of constructing the necessary levees and drains to reclaim the same. The Board of Supervisors of such counties of this State shall have the same powers and perform the same duties as are now imposed by law upon the Board of Commissioners created by the Act to which this Act is supplemental and amendatory, and whenever the Swamp Land Commissioners are referred to in any laws relating to them or defining their duties, the same shall hereafter be understood as referring to the Board of Supervisors of the county to which lands are herein granted.

SEC. 2. Section four of said Act is hereby amended so as to read as follows:

Section 4. Whenever a petition shall have been received by the Board of Supervisors from the holders of patents or certificates of purchase of swamp or overflowed lands, or any specified part of said lands susceptible of one system or mode of reclamation, which petition shall represent one third in acres of the land in said district asking for reclamation, it shall be the duty of the Board of Supervisors to require the engineer to make an examination of said tract and report to them the practicability of the reclamation of said district, together with plans and specifications, if found practicable, and the probable cost of reclamation.

SEC. 3. Section five of said Act is hereby amended so as to read as follows:

Section 5. The County Surveyors of the several counties of this State to which the swamp lands are herein above granted, shall be ex-officio Engineers of Reclamation, and shall superintend all works and give general directions, subject to the control of the Board of Supervisors of their respective counties; said Boards of Supervisors to have power to appoint Assistant

Swamp lands
and moneys
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counties
in trust.

Supervisors
to take place
of Board of
Commis-
sioners.

Petition to
reclaim, and
report
thereon.

County Sur-
veyors ex-
officio En-
gineers of
Reclamation

Assistants. Engineers if necessary; *provided*, that not more than one assistant shall be appointed for such district, and when so appointed such assistant shall receive the pay of the principal, who shall receive no compensation during the time of the employment of the assistant.

SEC. 4. Section twelve of said Act is hereby amended so as to read as follows:

Compensation of Engineers and laborers. Section 12. The engineers shall receive as compensation for their services, a sum not to exceed six dollars per day for the time actually and necessarily employed, and the Board of Supervisors shall allow reasonable compensation to such laborers as the engineer may find necessary to employ, not to exceed three dollars per day; and the moneys so paid to the engineers and laborers shall be a part of the charge in the estimate of the total cost of the reclamation of the particular district on which they were employed, and paid out of the Swamp Land Fund of the said district, and not otherwise.

State Board of Swamp Land Commissioners abolished. SEC. 5. The State Board of Swamp Land Commissioners is hereby abolished, and the Board of Supervisors of the several counties to which lands are herein granted shall have all the powers and perform all the duties of the Swamp Land Commissioners provided for in the Act to which this Act is supplemental, and shall carry out all contracts let or made by said Commissioners in their several districts.

Property to be delivered to Surveyor-General. SEC. 6. The Board of Swamp Land Commissioners shall immediately deliver all maps, plans, specifications, contracts, and such other papers and books as belong to the Swamp Land Commission or relate to the reclamation of swamp land, to the Surveyor-General of the State. The Surveyor-General shall deliver all the documents and papers relating to each particular district to the Chairman of the Board of Supervisors of the county to which such district is granted in section one of this Act, as soon as they can be prepared. For the services herein provided to be performed by the Surveyor-General the said Board of Supervisors shall allow such compensation, not to exceed six dollars per day, as shall be just and proper; and the Surveyor-General may employ such assistants as may be found necessary to execute the provisions of this section.

Compensation of Surveyor-General. SEC. 7. Sections two, three, six, thirteen, and seventeen of the Act to which this is amendatory of and supplemental to, are hereby repealed, and all engineers appointed under the provisions of said Act are hereby discharged.

Repeal. SEC. 8. In swamp land districts hereafter formed, when the estimates have been made by the engineer and filed as provided in this Act, and the plans and specifications approved by the Board of Supervisors, it shall appear that the amount in the State Treasury to the credit of such district be not sufficient to reclaim said district, the Board of Supervisors of each county in which such district or part of district may be situated, shall and they are hereby required, upon presentation of a petition from the holders of patents or certificates of purchase of land within the district representing one third in acres of the whole of said district, levy a tax per acre upon each acre of land which will be reclaimed in the district, for the reclamation of said lands; *provided*, however, that no tax shall be levied and collected in

Reclamation tax may be levied.

any one year which shall exceed one third of the estimated cost of reclamation; *provided*, further, that no petition for reclamation shall be necessary to authorize the Board of Supervisors to levy the second and third tax; and in case a tax has been once levied for reclamation purposes in any swamp land district already formed, which tax so levied has been found to be insufficient to reclaim the same, the engineer of the district shall make an estimate of the cost of completing the reclamation of the district; and if a like petition as above provided for shall be filed, the Board of Supervisors shall levy a tax to finish said reclamation in the same manner as herein provided for; *provided*, that the whole amount necessary to complete the reclamation may be levied and collected in one year. All taxes levied in pursuance of the provisions of this Act shall be collected and paid into the State Treasury in the same manner as other taxes are levied and collected in said county; *provided*, that when taxes have been levied for the purposes of reclamation of any district, and only collected in part, the amounts so collected shall be credited to the parties having paid the same, and deducted from any taxes hereafter levied for the same purpose.

SEC. 9. The members of the Board of Supervisors of the respective counties shall receive for their services the sum of five dollars per day for each day actually and necessarily employed under the provisions of this Act; *provided*, that the aggregate sum received by any one member shall not exceed sixty dollars for any one year. They may also employ a Clerk at a reasonable compensation, not to exceed five dollars per day, the compensation of the Board and Clerk to be allowed and paid in the same manner and out of the same fund as is provided in section four of this Act for the payment of engineers.

SEC. 10. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAP. DLXXI.—An Act to authorize Robert Stewart to construct and maintain a turnpike road from C. Foster's to Antelope Springs, in the County of Amador.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Robert Stewart, of Volcano, Amador County, shall *franchise*. take, have, and enjoy all the rights, privileges, right of way, franchises, and immunities hereinafter mentioned, upon condition that he shall abide by and fulfil the conditions hereinafter mentioned.

SEC. 2. The said Robert Stewart shall have full power to *Rights and privileges*. build and maintain a public turnpike road leading from "C. Fos-

Route. ter's to Antelope Springs," in Amador County, and have and enjoy all the rights, privileges, and immunities thereto appertaining, and shall have the right of way, which is hereby ceded and granted to said Robert Stewart, or his assigns, for the term of fifteen years. And the State enters into these covenants, and makes these grants and guarantees these rights and privileges, upon express conditions that said turnpike road shall commence at or near said C. Foster's house, about six miles easterly from the Town of Volcano, running thence along the dividing ridge between the Cosumnes River and Sutter Creek, on the most practicable route to Antelope Springs, in said Amador County, and that the grade of said turnpike road shall not exceed, at any point, eight feet to the one hundred; also, said Stewart shall build all bridges and culverts that may be necessary on said turnpike road; and that within three months after the passage of this Act the said Stewart shall commence and within eighteen months shall complete the said turnpike road and bridges.

Commencement, and completion. **Construction** SEC. 3. The said turnpike road shall be constructed of sufficient width and the said bridges of sufficient strength to admit of the passage of the largest and heaviest sized teams, and said road and bridges shall be kept in good condition for travel by the largest or heaviest lumber and other teams.

Tolls. SEC. 4. The said Stewart, or his assigns, upon the completion of said turnpike road and the bridges thereon, shall be authorized to charge and collect such rates of fare or toll on said turnpike road as the Board of Supervisors of Amador County may annually fix; *provided*, such rates shall not be so reduced during the first ten years after the completion of said turnpike road as to produce an income of less than fifteen per cent per annum upon the cost of constructing said turnpike and bridges, over and above the expenses of collection and keeping said turnpike and bridges in repair; and, *provided*, further, that there shall be but one toll gate erected on said road, and that may be at any point on said road that the said Stewart may select.

Sign board. SEC. 5. Said Stewart shall keep at each end of said turnpike road a sign board, which shall show the scale of prices and the regulations of the road.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. DLXXII.—An Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and to repeal certain provisions of the revenue Acts of this State.

[Approved April 2, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act of eighteen hundred and sixty-one is hereby amended so as to read as follows:

Section 4. All property, both real and personal, of every kind, nature, and description whatever, within this State, whether owned by individuals or by corporations, and whether its owner be a resident or non-resident of this State, shall be liable to taxation, subject to the exemptions hereinafter specified; and all persons, corporations, and associations doing business in this State, either as principals or partners, whether special or otherwise, and not residents of this State, shall be assessed and taxed on all sums invested in any manner in said business in this State, the same as if they were residents of this State; and said taxes shall be collected from the property within this State of said persons, corporations, associations, or firms. The following property shall be exempt from taxation:

First—All property, real or personal, exempt from taxation by the Constitution of the United States, or the Act of September ninth, eighteen hundred and fifty, admitting this State into the Union, or any law of Congress passed in pursuance of said Constitution;

Second—All lands and all property, real or personal, belonging to the United States, or this State;

Third—All lands and property belonging to any county, municipal corporation, city, town, village, or school district of this State, dedicated or exclusively devoted to public use, education, health, ornament, or charity, public libraries, public and charity hospitals, church edifices, and the real and personal property thereunto belonging and exclusively used for the purposes of the same; *provided*, such real estate within the meaning of this Act shall be limited to the ground upon which the church edifice stands and lands adjoining thereto not exceeding fifteen feet on each and every side; all rural cemeteries incorporated under the Act entitled an Act to authorize the incorporation of rural cemetery associations, approved April eighteenth, eighteen hundred and fifty-nine; all asylums and charitable institutions supported in whole or in part by the State; also, all schools supported by public charity, in which no charges are made; and all Masonic and Odd Fellows' Halls, owned and used by the Fraternity of Free and Accepted Masons, or Independent Order of Odd Fellows; *provided*, that all buildings, rooms, or improvements, other than those actually used by them or either of them as such associations, shall be subject to taxation; further *provided*, that when the building is used exclusively for lodge purposes, that the lots of land on which such buildings stand shall be exempt;

Fourth—All growing crops, all mining claims upon public land within this State, and the possessory right thereto; *provided*, that all machinery used in mining claims, and all property and improvements appurtenant to or upon mining claims, which has an independent and separate value, shall be subject to taxation.

SEC. 2. The second section of an Act entitled an Act to provide revenue for the support of the government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, and the first section of the Act amendatory of said second section, approved April nineteenth, eighteen hundred and fifty-nine, are hereby repealed; and this Act is hereby made applicable

to the City and County of San Francisco and to all the counties of this State.

SEC. 3. This Act shall take effect from and after its passage; and all laws, general or special, in conflict herewith are hereby repealed so far as repugnant thereto.

CHAP. DLXXXIII.—*An Act to re-enact section one of an Act entitled an Act providing for the government of the County of Sacramento, approved April twenty-fifth, one thousand eight hundred and sixty-three.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is re-enacted to read as follows:

Section 1. All that portion of this State which by law now is or hereafter may be designated as Sacramento County, shall be governed by a Board of Supervisors, which Board of Supervisors shall be a body politic and corporate, by the name and style of the "Board of Supervisors of the County of Sacramento," and by that name they and their successors shall be known in law, shall have perpetual succession, may make, have, alter, and renew a common seal, different and distinct from that of the County Clerk; may sue, complain, and defend in all Courts, and in all actions and proceedings whatever; may, under the limitations hereinafter provided, purchase and hold real estate and personal property, and receive and hold either or both by legacy or donation for the county, or in trust for the use of common schools, or for a Poor House, Alms House, Hospital, or indigent sick; they may do all such other things, perform all such other acts, and exercise all such other powers as by this Act or by any other law are or may be granted them to do, perform, or exercise; but said corporation shall not be sued in any action whatever, nor shall any of its lands, tenements, appurtenances, franchises, taxes, revenues, actions, choses in action, property, or effects of any kind or nature whatever, be taken in attachment or on execution, or be subject to levy or sale upon any process, either original, mesne, or final; but any citizen of the county who is a taxpayer, or any party interested or damaged or likely to be damaged by any action or proceeding had, about to be had, or refused to be taken, on the part of the Supervisors, or of any county officer, may proceed by certiorari, mandamus, or injunction, to inquire into the legality of, or to prevent or compel, as the case may require, such action or proceeding, if the same can legally be prevented or compelled.

SEC. 2. This Act shall take effect immediately.

Board of
Supervisors
a corporation

Powers, etc.

Shall not be
sued.

Party
aggrieved
may proceed
by manda-
mus, certi-
orari, etc.

CHAP. DLXXIV.—An Act to amend an Act entitled an Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election, approved May first, eighteen hundred and fifty-four, and all Acts amendatory thereof or supplementary thereto.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of said Act is hereby amended so as to read as follows:

Section 9. There shall be printed of the laws, resolutions, and memorials of each session of the Legislature one thousand six hundred and eighty copies in English, and of such laws, resolutions, and memorials as may be designated by the Legislature for publication, two hundred and forty copies in Spanish. Of the Journals of the Senate and Assembly there shall be printed four hundred and eighty copies, in one volume or two, as may be required by the size thereof; *provided*, that the appendices to the Journals of both Houses shall be printed in one volume, and that the same matter shall not be twice printed therein; *provided*, further, that all printing ordered under the provisions of this Act shall be executed within the State of California.

SEC. 2. This Act shall take effect immediately.

CHAP. DLXXV.—An Act concerning the office of District Attorney of the County of Calaveras.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall not be lawful for the District Attorney of the County of Calaveras to make any charge either for his own or any deputies' service in cases before Justices' Courts wherin he or they or any of them have not personally attended at the trial.

SEC. 2. All Acts and parts of Acts conflicting with this Act are for the purposes thereof hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAP. DLXXVI.—An Act to authorize J. Henry Wood and A. N. Wood, with their associates and assigns, to construct and maintain a turnpike road in the County of Fresno.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise. SECTION 1. J. Henry Wood and A. N. Wood, with their associates and assigns, are hereby authorized to construct and maintain a turnpike road in the County of Fresno, commencing at a point about one half mile from the ranch of Henry Burrough, on or near the divide between Sycamore and Dry Creek in said county, running thence in a northerly and northeasterly direction and through public domain to the pineries upon a ridge known as Pine Ridge.

Tolls. SEC. 2. The said grantees, upon the construction of said road, are hereby authorized to charge and collect rates of toll for travel and passage upon said road for the term of fifteen years from the passage of this Act; and the Board of Supervisors of the County of Fresno shall fix and regulate such rates annually.

Right of way. SEC. 3. The right of way for said road is hereby granted to said grantees; *provided*, that in case the lands of private persons are taken for that purpose, compensation shall be made in the same manner and by the same mode of proceeding as is provided by law for railroad companies to obtain the right of way; and, *provided*, further, that said road shall not obstruct or injure any public highway. The rights, privileges, and franchises herein granted upon the express condition that the construction of said road shall be commenced in six months after the passage of this Act, and shall always be kept in good repair and condition for the use of loaded vehicles; and, *provided*, further, that the said parties herein named, their associates and assigns, shall, within six months after the passage of this Act, incorporate under the general incorporation laws of this State.

Commencement.

Shall incorporate.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. DLXXVII.—An Act to amend an Act entitled an Act amendatory of an Act entitled an Act to define the boundaries and provide for the organization of Lake County, approved May the twentieth, one thousand eight hundred and sixty-one, approved February the twenty-ninth, eighteen hundred and sixty-four.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Section 2. Section eleven of said Act is hereby amended so as to read as follows:

[Section 11.] The District Attorney shall receive a salary of ~~Salaries.~~ six hundred dollars per annum, to be paid quarterly, and such fees as are allowed by law. The Sheriff shall receive a salary of six hundred dollars per annum, to be paid quarterly as other county charges are paid, and also such fees as are allowed by law. The County Assessor shall be paid a sum not exceeding four dollars per day for the number of days actually necessary in assessing said county and for each day's necessary attendance during the session of the Board of Supervisors as a Board of Equalization. The Superintendent of Public Instruction shall receive a salary of one hundred dollars per annum, to be paid quarterly. All other county and township officers shall receive as compensation the fees allowed by law; *provided*, that the Board of Supervisors shall receive a compensation of ten cents each for each mile necessarily travelled in going to and returning from the county seat to attend the regular meetings of said Board, and three dollars for each day's attendance on the same.

SEC. 2. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in force from and after its passage.

CHAP. DLXXVIII.—*An Act to fix the salary of the District Attorney of San Joaquin County, and regulate the payment thereof.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The District Attorney of the County of San ~~salary.~~ Joaquin shall receive for his services, in addition to the fees now allowed him by law, a salary of fifteen hundred dollars per annum, payable monthly on the first day of each month, at which time the County Auditor shall draw his warrant in favor of the District Attorney for the salary due him for the preceding month.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect on and after March first, eighteen hundred and sixty-seven.

CHAP. DLXXXIX.—*An Act to pay the claim of George I. Lytle.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation. SECTION 1. The sum of forty-four dollars and thirty-three cents is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the claim of George I. Lytle for newspapers furnished the office of the Secretary of State from fifteenth of January, A. D. eighteen hundred and sixty-two, to the first of July, A. D. eighteen hundred and sixty-three, and the Controller of State is hereby authorized to draw his warrant in favor of said George I. Lytle for the said sum of forty-four dollars and thirty-three cents, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DLXXX.—*An Act to authorize Mary King, administratrix of Manuel King, to sell certain property at private sale.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority to sell. SECTION 1. Mary King, administratrix of Manuel King, deceased, late of Amador County, is hereby authorized and empowered to sell at private sale the interest of the late Manuel King in a certain quartz claim, and the mills, machinery, and implements connected therewith, situated near Drytown, in Amador County, and known as the "Seaton Mine," and shall execute to the purchaser a deed for the same; and said deed when executed and delivered shall have the full effect and operation to vest all the title of the late Manuel King in the purchaser; *provided*, that such sale shall not be valid until approved by the Probate Judge of Amador County.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. DLXXXI.—*An Act to authorize Eben Hilton, Isaac Hobbs, Martin I. Wright, and others, to build a wharf in Solano County.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise. SECTION 1. The right to build and erect a wharf from the high land at the foot of Sonoma street, Vallejo, out to three feet

water at low tide in Napa Bay, with the use and occupancy of the overflowed lands on both sides of said wharf for the distance of one hundred feet from each side of it, is hereby granted to said Hilton, Hobbs, Wright, and such others as they may wish to associate with them, and their assigns, for the space of twenty years from the passage of this Act; *provided*, that said strip of overflowed lands upon each side of said wharf only shall be used for purposes appertaining to said wharf.

SEC. 2. Said wharf shall be commenced within one and completed within three years from the passage of this Act, and the builders or owners of said wharf shall be allowed to charge and collect only such wharfage and tolls as the Board of Supervisors of Solano County shall direct.

SEC. 3. Said wharf shall be built on a direct line with and not to exceed the width of said Sonoma street, and shall be constructed in a good and substantial manner, and out of good material, so that the same may be sufficient for the commercial purposes required at that point, and shall in no manner obstruct the navigation of Napa Straits.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. DLXXXII.—*An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.*

[Approved April 2, 1866.]

WHEREAS, the Board of Supervisors of the City and County of San Francisco did, on the eleventh day of July, eighteen hundred and sixty-four, pass an ordinance in the words and figures following:

“Resolved, That the faith of the City and County of San Francisco is hereby pledged to pay out of the General Fund of said city the sum of sixty thousand dollars in gold coin of the United States, with lawful interest, to such citizens as may advance this amount for the purpose of constructing and equipping the Monitor ‘Camanche,’ now lying in a state of wreck on one of the city wharves, and intended by the United States Government for one of the chief defences of the Harbor of San Francisco, said payment to be made as soon as the Legislature of this State shall authorize the same.”

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized to pay out of the General Fund of said city and county the sum of sixty thousand dollars (\$60,000) in gold coin of the United States, with lawful interest from the passage of said ordinance, to such citizen or citizens as may have advanced the said sum of sixty thousand

dollars in gold coin of the United States, for the purpose of aiding in the construction, equipment, and completion of the Monitor Camanche.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DLXXXIII.—*An Act relating to the appointment of a Clerk for the Police Court in the City of Sacramento.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Clerk of Police Court. SECTION 1. The Police Judge of the City of Sacramento is hereby authorized to appoint a Clerk, whose duty it shall be to keep a faithful record of the proceedings of the Police Court.

Powers and duties. SEC. 2. Said Clerk shall have power to take depositions and administer oaths, the Police Judge being responsible on his official bond for the action of said Clerk, and shall receive for his services two dollars and fifty cents in each case where the fine is paid, to be added as costs to the judgment; provided, that in no event shall said Clerk have any claim for his services against the City or County of Sacramento.

Compensation. SEC. 3. This Act shall take effect immediately.

CHAP. DLXXXIV.—*An Act concerning the Napa Valley Railroad, authorizing an election, and other matters relating thereto.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Proposition to make donation to be submitted to voters. SECTION 1. At the next regular election for a member of the Board of Supervisors of Napa County, there shall be submitted to the qualified electors of said county for approval or rejection, the proposition to donate to the Napa Valley Railroad Company the entire amount heretofore subscribed by said county to the capital stock of the Napa Valley Railroad Company, by virtue of the Act of April fourth, A. D. one thousand eight hundred and sixty-four, entitled an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company, and provide for the payment of the same, and other matters relating thereto, and in pursuance of the election held in conformity to said Act.

Notice that proposition will be submitted. SEC. 2. The Board of Supervisors of said county shall, at least twenty days before such election, give notice by publication in one or more newspapers published in Napa County, that such proposition will be submitted to the electors at such elec-

tion for their approval or rejection. The ballots cast at such election shall be in substantially the following form: "Donation to the Napa Valley Railroad Company." Every ballot cast ~~Ballots, etc.~~ in favor of such proposition shall have the word "Yes" written or printed thereon; and every ballot cast against the same shall have the word "No" written or printed thereon. The manner of voting thereon and the proceedings connected therewith, and the ascertaining and declaring the result thereof shall be the same as at other elections. A separate ballot box shall be provided for receiving the ballots cast under the provisions of this Act.

SEC. 3. If, upon such canvass by the Board of Supervisors, it ^{Approval or} ~~rejection.~~ shall be ascertained that the greater number of the electors of the county voting upon the proposition so submitted have voted "No" than have voted "Yes," then such proposition shall be declared rejected; but, if upon such canvass it shall be found that a greater number of the electors of said county voting upon the proposition so submitted have voted "Yes" than have [voted] "No," then such proposition shall be deemed and declared approved, and a record of the fact of such approval shall be entered upon the records of the Board of Supervisors of said county.

SEC. 4. In case a majority of persons voting upon said proposition vote in favor of such donation, then the bonds of Napa County shall be issued and delivered to the Napa Valley Railroad Company in amount, and time, and manner, as provided in the aforesaid Act, approved April fourth, A. D. one thousand eight hundred and sixty-four, and shall be paid, with the coupons, as therin provided. And no certificates of stock of said railroad company shall be taken by said county or be issued by said company to or for said county except as hereinafter provided. And the bonds to be issued as aforesaid shall be a pure donation ^{Issue of bonds.} to be done-
by said county to said company, and the said county shall not be subject to or liable for any debts of said company.

SEC. 5. The Board of Supervisors of Napa County are hereby authorized and empowered to take and subscribe to the capital stock of the Napa Valley Railroad Company an amount equal to the present indebtedness of said company, and not exceeding thirty thousand dollars, and issue and deliver to said company the bonds of said county in payment of and for said subscription, and receive therefor certificates of paid stock of said company equal to the amount of such bonds so delivered. Said bonds in this section authorized shall be issued with coupons attached, in the same manner, and be of the same kind, description, force, and effect, as bonds issued under the aforesaid Act of April the fourth, eighteen hundred and sixty-four, and be paid from the same fund and in like manner as provided for payment of bonds and coupons in said Act. The subscription provided for in this section, and the issue and delivery of bonds herein provided for, shall be made as soon as practicable by said Board of Supervisors, and within three months from the passage of this Act.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. DLXXXV.—*An Act to authorize William Smith, Lorenzo Hubbard, A. D. Starr, their associates and assigns, to construct a watercourse from the Yuba River to the City of Marysville.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise. SECTION 1. William Smith, Lorenzo Hubbard, A. D. Starr, their associates and assigns, are hereby authorized to construct a watercourse, consisting of ditches, flumes, and dams, for the purpose of conducting a stream of water from the Yuba River, starting at a point about twelve miles from Marysville, at a point within a few rods of where the house of Kirkpatrick formerly stood, to the City of Marysville, and through said city to the head of the Fifth Street Slough, and also into the Yuba Street Slough on the east side of the city, for the purposes of motive power and for irrigation.

Route, and right of way. SEC. 2. The said grantees, their associates and assigns, are hereby authorized to commence said water ditch at a point on the north bank of the Yuba River, to be selected between Sand Flat and the land owned by Wm. H. Drum on said river; thence following the north bank of said river a distance of about one mile to a low gap; thence out through said gap into the plain; thence in such direction through and over the lands as the conformation of the ground and nature of the soil shall render necessary or convenient; with the privilege of procuring the right of way over said lands for said purposes, to be acquired in accordance with the general laws of the State granting rights to water companies.

Authority to construct. SEC. 3. The said grantees, their associates and assigns, are also further authorized to construct all dams, make excavations, and build flumes of a sufficient capacity to divert and convey a sufficient quantity of water from said river into the said watercourse for the use and purpose herein named. They shall also construct and build suitable bridges over their ditch or watercourse wherever the same may cross any road, trail, street, alley, or highway, and shall always and at all times keep the same in good repair.

Duration of franchise. SEC. 4. The franchise, and all rights herein granted, shall continue for the period of twenty years from and after the passage of this Act; provided, that the watercourse shall be completed within two years from the first day of May, A. D. eighteen hundred and sixty-six.

Obstructions. SEC. 5. Any person wilfully obstructing or in any manner damaging the said watercourse, or any portion thereof, shall be deemed guilty of a misdemeanor, and shall be punished as provided by law.

Water rates. SEC. 6. The said grantees, their associates and assigns, shall be entitled to charge such rates for the water and the use thereof as may be established by the Board of Supervisors of the County of Yuba and three Trustees of the company.

SEC. 7. This Act shall take effect from and after its passage.

CHAP. DLXXXVI.—An Act supplementary to the Act of March twenty-sixth, eighteen hundred and fifty-one, concerning County Recorders.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Recorders of the several counties of this State shall keep in their respective offices a volume to be called "Certificates of Sale," and shall record therein all certificates of sale of real estate sold under execution, or under order made in any judicial proceeding. They shall also prepare an index, in which, in separate columns, they shall enter the name of the plaintiff in execution, of the defendant in execution, of the purchaser at the sale, and also the date of the sale.

CHAP. DLXXXVII.—An Act amendatory of an Act approved March thirty-first, eighteen hundred and sixty-three, entitled an Act to amend an Act entitled an Act in relation to public roads in the County of El Dorado and to the Road Fund of said county, approved February twenty-seventh, eighteen hundred and sixty-two.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of said Act is hereby amended so as to read as follows:

Section 7. It shall be the duty of each Road Overseer to procure from the Auditor as many road tax receipts as there are inhabitants in his township liable to pay road tax, and he shall visit all such persons during the year and collect from each of them the sum of two dollars for the current year, and from and after the first day of October, the sum of two dollars and fifty cents. Upon the payment of this sum he shall give such person a road tax receipt, writing thereon with ink the date and name of the person paying the same, and signing thereto his name. If any person liable to pay road tax shall fail or refuse to pay the same upon demand, the Road Overseer may enforce the collection thereof in the same manner in all respects as is provided for in the collection of poll taxes by sections sixty-six and sixty-seven of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Sec. 2. This Act shall take effect from and after its passage.

CHAP. DLXXXVIII.—An Act to regulate the drawing of warrants on the Treasurer of Shasta County.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Warrants to draw no interest.

SECTION 1. No warrant drawn upon the County Treasurer of Shasta County after the first Monday of March, one thousand eight hundred and sixty-eight, for any service or indebtedness whatsoever, shall draw interest; and all warrants drawn upon the Treasurer of said county shall be paid in the order of their issue.

List for Treasurer.

SEC. 2. It is hereby made the duty of the County Auditor of said county to furnish monthly to the Treasurer a list of all warrants drawn by him, which list shall contain the date, number, amount, fund drawn against, and the name of the person to whom each warrant was issued.

Repeal.

SEC. 3. All Acts or parts of Acts which conflict with the provisions of this Act are hereby repealed so far as they are in conflict with the same.

SEC. 4. This Act shall take effect on the first Monday of March, one thousand eight hundred and sixty-eight.

CHAP. DLXXXIX.—An Act to amend an Act entitled an Act concerning the officers of Calaveras County, and the collection of poll taxes, license taxes, and foreign miners' license taxes in said county, approved February twenty-sixth, eighteen hundred and fifty-nine.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Tax and license book.

SECTION 1. Section six of said Act is hereby amended to read as follows:

Section 6. Each Collector shall keep a book, in which he shall enter:

First—The name of each person or persons from whom he shall have collected any tax or license, the amount so collected, and for what particular tax or license the same was collected.

Second—The names of all persons who are engaged in any business the carrying on of which is by law required to be done under a license from either State or county, and shall correct said list from time to time as any person or persons cease to be engaged in such business, or any person or persons shall engage in any business, trade, occupation, or profession for which, before engaging therein, they should have procured a license.

To be presented to Supervisors monthly.

Said book shall be the property of the county, and shall be presented monthly to the Board of Supervisors by each Collector at the time of making the settlement provided for by the

next following section of this Act for their inspection; and the Clerk of said Board shall immediately make and file with the District Attorney a certified transcript of those parts of the contents of said books that refer to delinquent license taxes, specifying therein the names of such delinquents, with the amounts due from each; and the said District Attorney shall immediately commence suit in any Court in the county having competent jurisdiction for the recovery thereof; and, in addition thereto, each and every person so returned by any Collector as delinquent shall be immediately prosecuted by the District Attorney in the name of the people of the State of California, before any Justice of the Peace of said county, and upon conviction of having been engaged in any business, trade, occupation, or profession for which before engaging therein he or they should have procured a license, shall be fined in a sum of not less than twenty-five dollars nor more than two hundred dollars for each and every offence; and upon the trial of any criminal action under the provisions of this section, the defendant shall be deemed not to have procured any such license unless he prove the contrary to the satisfaction of the Court or jury by whom the case is tried. All fines collected under the provisions of this section, after deducting the costs incurred in the action, shall be paid into the County Treasury.

SEC. 2. All Acts or parts of Acts inconsistent herewith are hereby repealed so far as they conflict with the provisions of this Act.

CHAP. DXC.—*An Act for the relief of Alexander Gibson.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of ninety-six dollars is hereby appropriated out of any money in the General Fund in the State Treasury not otherwise appropriated, to pay Alexander Gibson for materials furnished and services rendered in furnishing frames, glass, backs, cord, and tassels to sundry pictures in the State Reform School building, at the instance and request of the Trustees of the State Reform School, in the year eighteen hundred and sixty-one. And the Controller of State is hereby authorized to draw his warrant on the State Treasurer in favor of said Alexander Gibson for said sum of ninety-six dollars.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DXCI.—*An Act to authorize all the counties south of Santa Clara County to aid in the construction of the Southern Pacific Railroad.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

**Authority to
donate or
subscribe.** SECTION 1. It shall be lawful for the Board of Supervisors of any county into or through which the Southern Pacific Railroad Company, a corporation duly organized under the laws of this State, shall run their road, acting in behalf of the county, to donate aid to such railroad company in any sum not exceeding an amount equal to three per centum on the aggregate amount of the taxable property in such county, as shown by the last preceding assessment roll of the county; or to subscribe to the capital stock of such railroad company in any sum not exceeding an amount equal to five per centum of the aggregate amount of the taxable property of the county, as shown by the last preceding assessment, as aforesaid; *provided*, however, that the proposition so to donate or subscribe shall have been first submitted to and approved by the qualified electors of said county; and all the proceedings in relation thereto shall be conducted in accordance with the following provisions of this Act, and not otherwise.

**Proposition
to be sub-
mitted to
voters.**

**Petition to
submit prop-
osition.** SEC. 2. Whenever twenty-five or more of the taxpayers of any county into or through which the Southern Pacific Railroad Company shall run their road, representing twenty-five per cent of the taxable property of such county, shall petition the Board of Supervisors, stating the fact that it is proposed to run said railroad into or through said county, and asking the submission to the electors of the county the proposition to donate aid to or subscribe for stock in said railroad company in an amount to be named in said petition, which amount shall not exceed the limit fixed in the first section of this Act, and stating specifically which proposition it is desired to have thus submitted, whether to donate or to subscribe, it shall be the duty of such Board of Supervisors, by proper order in that behalf, to grant such petition, and to submit the proposition so named to the electors of such county.

**Special elec-
tion.**

**Publication
of notice.**

SEC. 3. For that purpose the Board of Supervisors shall order a special election to be held throughout the county, the polls whereof shall be open in the several precincts or places for holding elections in such county on a day certain, to be named by them, which shall be not less than thirty nor more than sixty days from the date of such order or of the filing of such petition, at which election the proposition so named in such petition shall be submitted to the qualified electors of the county for their approval or rejection. Such Board of Supervisors shall cause notice of such election and of the proposition to be voted upon to be published in some newspaper printed in such county, if any be printed therein, and if not, then in some newspaper printed in an adjoining county, for at least twenty days prior to such election, and a like notice to be conspicuously posted at every place of opening the polls in said county at

least ten days prior to said election. The ballots cast at such election shall be in substantially the following form, viz: If the proposition be to make a donation, then such ballots shall have written or printed thereon the words "Donation of _____ dollars (naming the amount) to the Southern Pacific Railroad Company;" if the proposition be to subscribe for stock, such ballots shall have written or printed thereon the words "Subscription of _____ dollars (naming the amount) to the capital stock of the Southern Pacific Railroad Company." Every ballot given in favor of such proposition shall have the word "Yes" written or printed thereon, and every ballot against the same shall have the word "No" written or printed thereon. Such Returns. elections shall be conducted in the same manner as elections for county officers, and in like manner the votes cast thereat shall be counted, and sealed returns thereof made; and on the second Monday after such election, or at such other time as the Board of Supervisors may have fixed therefor, said returns shall be opened and canvassed and the result declared in the same manner as in case of election for county officers.

Sec. 4. If upon such canvass it shall be found that a greater number of the electors of the county voting upon the proposition so submitted have voted "No" than have voted "Yes," then such proposition shall be deemed and declared to have been rejected, and the fact of such rejection shall be duly entered upon the record of the proceedings of the Board of Supervisors, and no further action shall be had in relation thereto. But if upon such canvass it shall be found that a greater number of the electors of said county voting upon the proposition so submitted have voted "Yes" than have voted "No," then such proposition shall be deemed and declared to have been approved; a record of the fact of such approval shall be made upon the minutes of the Board of Supervisors, and said Board, by their Clerk, shall in writing notify such railroad company of the proposition which has been so submitted, and of the approval thereof.

Sec. 5. Before any further action in the premises shall be taken by such Board of Supervisors, said railroad company shall file in the office of the Clerk of said Board a notice under the seal of the corporation, stating whether said company accepts the subscription or donation so tendered by said county; and if accepted there shall also be filed therewith a copy of the certificate of incorporation or articles of association of said company, certified by the Secretary of State, and such copy shall thereafter be kept on file in such office for the information of such Board of Supervisors and of the citizens of said county.

Sec. 6. If such proposed donation or subscription is accepted, then immediately upon the filing of such notice and of a certified copy of the articles of association, as mentioned in the last section, or as soon thereafter as practicable, it shall be the duty of the Board of Supervisors of such county, and they are hereby authorized and directed, if the proposition so approved shall be one in favor of subscription to the capital stock of said company, to make such subscription on the subscription books of said

company, through a committee consisting of two members of such Board of Supervisors, who shall be, by an order of the Board entered upon their minutes, duly authorized for that purpose, and to pledge therefor and for the due payment of such subscription, in accordance with the provisions of this Act, the good faith of the county; or if the proposition so approved be one in favor of a donation to said company, then such Board of Supervisors shall pass an order, and enter the same on their journal, declaring the good faith of the county pledged to make such donation in the bonds of the county, in such amounts and under such conditions as are named in this Act.

To be made
in bonds of
county.

SEC. 7. If in compliance with a vote so had as aforesaid, subscription be made by any county to the capital stock of said railroad company, the same shall be made and accepted with the condition that such subscription shall be payable in the bonds of the county, to be issued as hereinafter directed, and not otherwise, and for such subscription such bonds shall be received at par, dollar for dollar.

How paid.

SEC. 8. In all cases of donation in aid of or of subscription to the capital stock of said railroad company by any county under the provisions of this Act, the same shall be paid in instalments of not less than ten nor more than twenty per cent, as the work on such road shall progress; and in no case shall an instalment of the bonds of any county be issued to said railroad company until an amount at least equal thereto has been expended by said company in the actual graduation of such railroad, or other work necessary to its construction or completion; nor shall a second instalment be paid to such company until the first has been expended on the road, or in purchase of iron, or rolling stock, or other material therefor.

Report to be
made to
Supervisors.

SEC. 9. In all cases where a county has made a donation in aid of or has subscribed to the capital stock of said railroad company under the provisions of this Act, it shall be the duty of the Secretary and Engineer in charge of such railroad company, from time to time, as the bonds of such county are required to be issued, to make report in writing, under oath, and lay the same before the Board of Supervisors of such county, showing the progress of the work on the railroad and the amount and cost thereof, together with the cost of bridging, ties, and other material for the superstructure, and of the iron and rolling stock which may have been purchased or contracted for said railroad, and if after the issuance of the first or any subsequent instalment of bonds to said railroad company under the provisions of this Act there should be any failure or refusal on the part of said company to expend such bonds in the mode and manner herein provided in the construction of said railroad or purchase of material therefor, then and in that event the Board of Supervisors of such county may, at their option, withhold any further payment of instalments of the amount donated or subscribed to said railroad, as the case may be, and they shall not be liable to any further calls thereon; and if so declared by the Board of Supervisors, such donation or subscription shall be held void and of no effect, and said company shall be liable to such county for such amounts as may have been paid on such

Withholding
instalments.

Withholding
instalments.

donation or subscription, which shall be recoverable at law in any Court of competent jurisdiction.

Sec. 10. The Board of Supervisors of any county donating aid to or subscribing to the capital stock of the said railroad company under the provisions of this Act, shall from time to time as such donation or subscription shall become due and be demanded by the Board of Directors of said company, cause bonds of the county to be issued and delivered to said railroad company for such an amount as may be due, but not exceeding at any one time twenty per cent of such donation or subscription, as hereinbefore provided; and the officers hereinafter mentioned shall each and every of them execute and countersign said bonds as herein provided, whenever so directed by an order of the Board of Supervisors of such county; such bonds shall be issued in sums of one thousand dollars each, shall be numbered consecutively from number one onward through all the bonds issued to said company, shall be made payable to said railroad company, giving its corporate name, or to the holder or bearer thereof, on a specified day to be named in said bonds, which shall be twenty years after the date of the issuance thereof, at the office of the Treasurer of such county, and shall bear interest at the rate of eight per cent per annum from the date of their issue; the interest upon such bonds shall be due and payable semi-annually so long as such bonds are outstanding and unpaid, and shall be payable at the office of such Treasurer on a specified day, to be named in the interest coupons which shall be attached to such bonds, as hereinafter provided. Both principal and interest of such bonds shall be made payable in United States gold coin, dollar for dollar. Such bonds shall be signed by the Chairman of the Board of Supervisors, by the Auditor and the Clerk of such county, as such officers, the Auditor making and keeping in his office an accurate account of all bonds so signed, with the number, date, and amount of each, and the Clerk shall cause the seal of the county to be affixed to each of said bonds, and the Chairman of such Board shall forthwith deliver the same to the company entitled thereto, taking the receipt of the Secretary of said company therefor, which receipt shall be executed in triplicate, and shall set forth the number, date, and amount of each bond so delivered; such Chairman shall thereupon file one of such receipts in the office of the Clerk of said county, one in the office of the Auditor, and one in the office of the Treasurer of such county, and shall make report to the Board of Supervisors of the proceedings in the premises at the next meeting thereof.

Sec. 11. All bonds issued under the provisions of this Act shall have coupons for the interest attached, so that the same may be removed without mutilation of the bonds; such coupons shall each be for one half year's interest upon the bond to which it is attached; they shall be numbered from one to forty, consecutively; each shall specify the number of the bond to which it is attached, the amount to become due upon such coupon, and the day when it is payable, and each shall be signed by the Auditor of the county for which it is issued. When any interest shall be paid upon any bond issued under the provisions of this Act, the County Treasurer paying the same shall receive the

Issue of bonds.

Amounts.

Interest.

Payable in gold coin.

Bonds, and receipt for same.

Coupons.

Cancellation coupon for the interest so paid, shall cancel the same by writing across the face thereof the word "paid," with the date of payment and his official signature, and shall thereupon deliver the same to the Auditor of said county, taking his receipt in duplicate therefor, one copy of which said Treasurer shall file in his own office, and the other copy of which he shall deliver to the Clerk of said county, and thereupon such Clerk shall report the same to the Board of Supervisors of such county at the next meeting thereof.

Levy of tax. SEC. 12. When any county shall have donated aid to or subscribed to the capital stock of said railroad company, as herein provided, it shall be the duty of the Board of Supervisors of such county, at the same time of levying other taxes in said county (or in the first year at any time before the making out of the duplicate of the general assessment list for such county) in each year to levy a tax sufficient to raise the amount of interest falling due within each year, and not less than two nor more than five per cent of the principal of such bonds, which shall be paid into a fund to be styled the Railroad Fund. The taxes provided in this section shall be levied and collected at the same time and in the same manner as taxes for county purposes, and when collected shall be paid into the County Treasury, and shall be kept separate from other funds of the county, and be applied as follows:

How applied. *First*—To the payment of the interest as it falls due;

Second—To the payment and redemption of such bonds as hereinafter provided.

Redemption of bonds. SEC. 13. Whenever there shall be in the Railroad Fund of any county, after providing for the interest of the current year, a sum of money amounting to three thousand dollars or upwards, it shall be the duty of the County Treasurer to advertise in a newspaper published in such county, if any newspaper be published therein, and if not, then in a newspaper published in the next adjoining county, and also in at least one newspaper published in the City and County of San Francisco, once in each week for four weeks, for sealed proposals for the redemption of bonds, stating the amount of money on hand applicable to that purpose; and ten days from the expiration of the time for such publication said Treasurer shall open the proposals so received, and such bonds as shall be surrendered by the holders thereof at the lowest proposed rate, and having all the unpaid coupons thereto attached, shall be paid off and liquidated so far as the fund on hand will go for that purpose; *provided*, however, that such proposed rate shall not be for more than the par value of such bond and the interest already accrued and unpaid thereon; and, *provided*, further, that should there be no proposals made for less than par value as aforesaid, then the fund on hand shall be applied in payment of such bonds and the interest then actually accrued and unpaid, in the order of the number of their issue, the County Treasurer giving four weeks' notice, in the manner hereinbefore provided, of the numbers of said bonds to which the fund on hand will be applied, and requesting their presentation for payment, after which time such bonds, if not presented, shall cease to draw interest. When all the bonds so issued shall have been liquidated, redeemed, and paid off, any

moneys remaining on hand in the Railroad Fund shall be paid into the General Fund of the county. In all cases of the liquidation or payment of bonds issued under the provisions of this Act, the same course shall be pursued in reference to cancelling, filing, receipting for, and reporting the same, as is hereinbefore provided upon the payment of interest coupons.

SEC. 14. Whenever any county shall have subscribed to the capital stock of said railroad company under the provisions of this Act, such county shall possess all the rights and powers of any stockholder in such company, and the Board of Supervisors may, from time to time, as occasion shall require, appoint one of their own number, or any citizen of said county, to represent said county at any meeting of the stockholders of said company, and to cast any and all votes at such meeting which said county, if a natural person holding the same amount of stock, would be entitled to cast, and generally on behalf of such county to do any and all things pertaining to the business of said company which a natural person holding stock therein might or could lawfully do. A certified copy of the order of the Board of Supervisors, under the seal of the county, filed with the Secretary of said company, shall be the evidence of the authority of the person therein named to act on behalf of such county.

SEC. 15. Whenever any county shall make a donation in aid of said railroad company, under the provisions of this Act, the same shall be made and accepted (if the same is accepted) upon the express condition that said railroad company shall at any and all times after the opening of its railroad to general business, if so required, transport all prisoners being taken to the Jail of such county, or from the Jail to the place of trial, and the officers having them in charge, and any and all materials for the construction or repair of the Court House or Jail of such county over said railroad free of charge.

SEC. 16. All officers having any duty to perform under the provisions of this Act, shall be allowed the same rate of compensation therefor as is allowed for other similar service, to be fixed by the Board of Supervisors and paid out of the General Fund of the county.

SEC. 17. All taxes, except State taxes, paid by said railroad company receiving county bonds under this Act in the county issuing such bonds, instead of being distributed into the several funds of the county, like other taxes, and all dividends paid by said company to said county, shall be paid into and form a part of the Railroad Fund so long as any such bonds shall remain outstanding and unpaid; *provided*, this Act shall not apply to the Counties of Alameda, Santa Clara, or San Francisco.

Cancellation
of bonds.

*Casting votes
to which
stock be-
longing to
county is
entitled.*

*Prisoners
and officers
in charge to
travel to and
from Jail free*

*Compensa-
tion.*

*Railroad
taxes to be
part of Rail-
road Fund.*

CHAP. DXCII.—An Act to amend an Act entitled an Act concerning roads and highways in the County of Monterey, approved April eighth, eighteen hundred and sixty-two.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Road districts.
Section 1. The Counties of Monterey and San Luis Obispo are hereby divided into road districts. The road districts therein shall be identical with the districts of County Supervisors.

SEC. 2. The provisions of the above named Act are hereby extended to the County of San Luis Obispo in all its provisions.

SEC. 3. This Act shall be in force from and after its passage.

CHAP. DXCIII.—An Act to regulate the fees of Constables in the County of San Bernardino.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fees.
SECTION 1. Constables in San Bernardino County shall receive the following fees, to wit:

For serving summons in civil suits, for each defendant, twenty-five cents.

For summoning a jury before a Justice of the Peace, seventy-five cents.

For taking a bond required to be taken, twenty-five cents.

For summoning each witness, ten cents.

For serving an attachment against the property of a defendant, fifty cents.

For summoning and swearing a jury to try the rights of property, and taking the verdict, one dollar.

For receiving and taking care of property on execution, attachment, or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the Constable that such charges are correct and the expenses necessarily incurred.

For collecting all sums on executions, one half of one per cent, to be charged against the defendant in the execution.

Constables shall receive, in serving summons, attachments, order, execution, venire, notice, and subpoena, in civil cases, for each mile travelled, in going only, (but when two or more persons are served in the same suit, mileage shall only be charged for the most distant, if they live in the same direction,) five cents.

For serving a warrant, or order for delivery of personal property, or making an arrest in civil cases, fifty cents.

For service and travel in criminal cases, the same fees as is [are] allowed in civil cases.

For all other services, the same fees as is [are] allowed in this Act.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DXCIV.—*An Act further defining the duties of the County Recorder of Yuba County.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The County Recorder of the County of Yuba shall be ex officio Clerk of the Board of Supervisors of said county, and shall keep and preserve all the records of said Board in his office, and said records shall at all times during office hours be open for examination by the public, without fee or charge therefor.

SEC. 2. For all the duties required to be discharged by the salary.

Clerk of the Board of Supervisors, Board of Equalization, and Board of Canvassers, and all other duties required by law to be discharged by said Clerk of the Board of Supervisors, and also as County Auditor, in making out the duplicates of assessment rolls and subsequent assessment, and footing up the valuations of property, and computing and carrying out the amount of taxes thereon as required by law, and for preparing the maps and plats, and entering the names of the owners or claimants of real estate and the valuation theron, and for all services required of him by law, so far as the same is or may be chargeable to the county, he shall be allowed and receive a salary not to exceed the sum of one thousand six hundred (1,600) dollars per annum, payable quarterly, out of the County Treasury, which salary shall be in full for all services required of him as such Auditor and Clerk of the Board of Supervisors; and the Board of Supervisors of Yuba County are hereby prohibited and barred from making any other or further allowance or appropriation in any manner for any service of the Auditor or Clerk of the Board of Supervisors. In the matter of all licenses, except foreign miners' license, he shall be paid by the party procuring such license the sum of fifty cents for each license issued and sold, including bridge and ferry license; and no other fees shall be charged, collected, or received by him other than the salary and fees set forth herein; and the office shall be considered and is hereby declared a salaried office. Any officer who shall violate any of the provisions of this section, in allowing, charging, or receiving any other or greater salary or fees than are herein provided shall be deemed guilty of a misdemeanor,

Clerk of
Supervisors
to keep
records
of Board.

Fees on
licenses.

Penalty for
violation of
provisions.

and shall be removed from office upon the complaint of any taxpayer.

Repeal.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby made inapplicable to the County of Yuba; and section six of an Act entitled an Act to regulate fees in office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty, is hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after the first Monday of March, A. D. eighteen hundred and sixty-eight (1868.)

CHAP. DXCV.—An Act to authorize Lewis Schwartz and Charles F. Miller to construct a wharf near the Aptos Creek, in Santa Cruz County.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchisee.

SECTION 1. Lewis Schwartz and Charles F. Miller, and their assigns, are authorized hereby to construct a wharf near the Aptos Creek, in the Bay of Monterey, in the County of Santa Cruz, commencing at the wharf lot near the mouth of said Aptos Creek, leased to them by Rafael Castro of said county on the nineteenth day of March, A. D. one thousand eight hundred and sixty-six, and running in a southerly direction into said Bay of Monterey one thousand feet from ordinary low water mark; the said wharf to be not more than one hundred and fifty feet wide, and to be completed within one year from the passage of this Act.

Release of right to land.

SEC. 2. All right of the State of California to the land on which such wharf may be constructed is hereby released for the period of twenty years from and after the passage of this Act to the said Lewis Schwartz and Charles F. Miller, and their assigns; *provided*, said wharf is completed in one year after the passage of this Act.

Tolls, and wharfage.

SEC. 3. The said Lewis Schwartz and Charles F. Miller, or their assigns, shall have the right to collect reasonable tolls and wharfage for the period of twenty years from and after the passage of this Act, for the use of said wharf.

SEC. 4. This Act shall take effect immediately after its passage.

CHAP. DXCVI.—An Act in relation to probate sales.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases when real estate has been sold in this State under the order of the Probate Courts of the several

counties to purchasers in good faith, for a valuable consideration, and defects of form, or omissions, or errors exist in any of the proceedings, such sales are hereby ratified, confirmed, and made valid and sufficient in law to transfer the title of the property sold; *provided*, however, that this Act shall not affect in *Proviso*. any manner rights acquired prior to its passage, by vendees, grantees, or mortgagees, who claim interests in or liens upon such property under heirs or devisees adversely to such probate sales, nor to sanction in any manner cases of actual fraud.

SEC. 2. This Act shall take effect from and after its passage.

Sales of real
estate rat-
ified.

CHAP. DXCVII.—An Act to legalize the acts of the County Recorders of the County of Tulare.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the acts heretofore performed since the first Monday of March, eighteen hundred and sixty-two, up to the passage of this Act, by the persons acting as County Recorders of the County of Tulare, or ex officio in any other office, are hereby legalized and declared valid the same as though said persons had been duly and properly elected to said office.

SEC. 2. This Act shall take effect immediately.

CHAP. DXCVIII.—An Act to grant to certain parties herein named the right to construct and maintain a turnpike or wagon road in the Counties of Tulare and Los Angeles.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. William B. Poer, his associates and assigns, are hereby authorized and empowered to construct and maintain a turnpike or wagon road from any point on Kern River, near the Town of Kernville, in the County of Tulare, by the most practicable route, to Agua Caliente Valley, in the northern part of the County of Los Angeles; and said grantee, his associates and assigns, shall have the right of way, and may enter upon and occupy any public or private lands necessary to the location or construction of said road, and to take and use any timber, rock, earth, gravel, or any other material necessary to the construction and repair thereof, under the rights conferred and

CHAP. DXCI.—An Act to authorize all the counties south of Santa Clara County to aid in the construction of the Southern Pacific Railroad.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority to
donate or
subscribe.

SECTION 1. It shall be lawful for the Board of Supervisors of any county into or through which the Southern Pacific Railroad Company, a corporation duly organized under the laws of this State, shall run their road, acting in behalf of the county, to donate aid to such railroad company in any sum not exceeding an amount equal to three per centum on the aggregate amount of the taxable property in such county, as shown by the last preceding assessment roll of the county; or to subscribe to the capital stock of such railroad company in any sum not exceeding an amount equal to five per centum of the aggregate amount of the taxable property of the county, as shown by the last preceding assessment, as aforesaid; *provided*, however, that the proposition so to donate or subscribe shall have been first submitted to and approved by the qualified electors of said county; and all the proceedings in relation thereto shall be conducted in accordance with the following provisions of this Act, and not otherwise.

Proposition
to be sub-
mitted to
voters.

SEC. 2. Whenever twenty-five or more of the taxpayers of any county into or through which the Southern Pacific Railroad Company shall run their road, representing twenty-five per cent of the taxable property of such county, shall petition the Board of Supervisors, stating the fact that it is proposed to run said railroad into or through said county, and asking the submission to the electors of the county the proposition to donate aid to or subscribe for stock in said railroad company in an amount to be named in said petition, which amount shall not exceed the limit fixed in the first section of this Act, and stating specifically which proposition it is desired to have thus submitted, whether to donate or to subscribe, it shall be the duty of such Board of Supervisors, by proper order in that behalf, to grant such petition, and to submit the proposition so named to the electors of such county.

Special elec-
tion.

SEC. 3. For that purpose the Board of Supervisors shall order a special election to be held throughout the county, the polls whereof shall be open in the several precincts or places for holding elections in such county on a day certain, to be named by them, which shall be not less than thirty nor more than sixty days from the date of such order or of the filing of such petition, at which election the proposition so named in such petition shall be submitted to the qualified electors of the county for their approval or rejection. Such Board of Supervisors shall cause notice of such election and of the proposition to be voted upon to be published in some newspaper printed in such county, if any be printed therein, and if not, then in some newspaper printed in an adjoining county, for at least twenty days prior to such election, and a like notice to be conspicuously posted at every place of opening the polls in said county at

Publication
of notice.

least ten days prior to said election. The ballots cast at such election shall be in substantially the following form, viz: If the proposition be to make a donation, then such ballots shall have written or printed thereon the words "Donation of _____ dollars (naming the amount) to the Southern Pacific Railroad Company;" if the proposition be to subscribe for stock, such ballots shall have written or printed thereon the words "Subscription of _____ dollars (naming the amount) to the capital stock of the Southern Pacific Railroad Company." Every ballot given in favor of such proposition shall have the word "Yes" written or printed thereon, and every ballot against the same shall have the word "No" written or printed thereon. Such returns. elections shall be conducted in the same manner as elections for county officers, and in like manner the votes cast thereat shall be counted, and sealed returns thereof made; and on the second Monday after such election, or at such other time as the Board of Supervisors may have fixed therefor, said returns shall be opened and canvassed and the result declared in the same manner as in case of election for county officers.

SEC. 4. If upon such canvass it shall be found that a greater number of the electors of the county voting upon the proposition so submitted have voted "No" than have voted "Yes," then such proposition shall be deemed and declared to have been rejected, and the fact of such rejection shall be duly entered upon the record of the proceedings of the Board of Supervisors, and no further action shall be had in relation thereto. But if upon such canvass it shall be found that a greater number of the electors of said county voting upon the proposition so submitted have voted "Yes" than have voted "No," then such proposition shall be deemed and declared to have been approved; a record of the fact of such approval shall be made upon the minutes of the Board of Supervisors, and said Board, by their Clerk, shall in writing notify such railroad company of the proposition which has been so submitted, and of the approval thereof.

SEC. 5. Before any further action in the premises shall be taken by such Board of Supervisors, said railroad company shall file in the office of the Clerk of said Board a notice under the seal of the corporation, stating whether said company accepts the subscription or donation so tendered by said county; and if accepted there shall also be filed therewith a copy of the certificate of incorporation or articles of association of said company, certified by the Secretary of State, and such copy shall thereafter be kept on file in such office for the information of such Board of Supervisors and of the citizens of said county.

SEC. 6. If such proposed donation or subscription is accepted, then immediately upon the filing of such notice and of a certified copy of the articles of association, as mentioned in the last section, or as soon thereafter as practicable, it shall be the duty of the Board of Supervisors of such county, and they are hereby authorized and directed, if the proposition so approved shall be one in favor of subscription to the capital stock of said company, to make such subscription on the subscription books of said

Approval or
rejection.

Acceptance
to be filed.

Making sub-
scription or
donation.

company, through a committee consisting of two members of such Board of Supervisors, who shall be, by an order of the Board entered upon their minutes, duly authorized for that purpose, and to pledge therefor and for the due payment of such subscription, in accordance with the provisions of this Act, the good faith of the county; or if the proposition so approved be one in favor of a donation to said company, then such Board of Supervisors shall pass an order, and enter the same on their journal, declaring the good faith of the county pledged to make such donation in the bonds of the county, in such amounts and under such conditions as are named in this Act.

To be made
in bonds of
county.

SEC. 7. If in compliance with a vote so had as aforesaid, subscription be made by any county to the capital stock of said railroad company, the same shall be made and accepted with the condition that such subscription shall be payable in the bonds of the county, to be issued as hereinafter directed, and not otherwise, and for such subscription such bonds shall be received at par, dollar for dollar.

How paid.

SEC. 8. In all cases of donation in aid of or of subscription to the capital stock of said railroad company by any county under the provisions of this Act, the same shall be paid in instalments of not less than ten nor more than twenty per cent, as the work on such road shall progress; and in no case shall an instalment of the bonds of any county be issued to said railroad company until an amount at least equal thereto has been expended by said company in the actual graduation of such railroad, or other work necessary to its construction or completion; nor shall a second instalment be paid to such company until the first has been expended on the road, or in purchase of iron, or rolling stock, or other material therefor.

Report to be
made to
Supervisors.

SEC. 9. In all cases where a county has made a donation in aid of or has subscribed to the capital stock of said railroad company under the provisions of this Act, it shall be the duty of the Secretary and Engineer in charge of such railroad company, from time to time, as the bonds of such county are required to be issued, to make report in writing, under oath, and lay the same before the Board of Supervisors of such county, showing the progress of the work on the railroad and the amount and cost thereof, together with the cost of bridging, ties, and other material for the superstructure, and of the iron and rolling stock which may have been purchased or contracted for said railroad, and if after the issuance of the first or any subsequent instalment of bonds to said railroad company under the provisions of this Act there should be any failure or refusal on the part of said company to expend such bonds in the mode and manner herein provided in the construction of said railroad or purchase of material therefor, then and in that event the Board of Supervisors of such county may, at their option, withhold any further payment of instalments of the amount donated or subscribed to said railroad, as the case may be, and they shall not be liable to any further calls thereon; and if so declared by the Board of Supervisors, such donation or subscription shall be held void and of no effect, and said company shall be liable to such county for such amounts as may have been paid on such

Withholding
instalments.

donation or subscription, which shall be recoverable at law in any Court of competent jurisdiction.

SEC. 10. The Board of Supervisors of any county donating aid to or subscribing to the capital stock of the said railroad company under the provisions of this Act, shall from time to time as such donation or subscription shall become due and be demanded by the Board of Directors of said company, cause bonds of the county to be issued and delivered to said railroad company for such an amount as may be due, but not exceeding at any one time twenty per cent of such donation or subscription, as hereinbefore provided; and the officers hereinafter mentioned shall each and every of them execute and countersign said bonds as herein provided, whenever so directed by an order of the Board of Supervisors of such county; such bonds shall be issued in sums of one thousand dollars each, shall be numbered consecutively from number one onward through all the bonds issued to said company, shall be made payable to said railroad company, giving its corporate name, or to the holder or bearer thereof, on a specified day to be named in said bonds, which shall be twenty years after the date of the issuance thereof, at the office of the Treasurer of such county, and shall bear interest at the rate of eight per cent per annum from the date of their issue; the interest upon such bonds shall be due and payable semi-annually so long as such bonds are outstanding and unpaid, and shall be payable at the office of such Treasurer on a specified day, to be named in the interest coupons which shall be attached to such bonds, as hereinafter provided. Both principal and interest of such bonds shall be made payable in United States gold coin, dollar for dollar. Such bonds shall be signed by the Chairman of the Board of Supervisors, by the Auditor and the Clerk of such county, as such officers, the Auditor making and keeping in his office an accurate account of all bonds so signed, with the number, date, and amount of each, and the Clerk shall cause the seal of the county to be affixed to each of said bonds, and the Chairman of such Board shall forthwith deliver the same to the company entitled thereto, taking the receipt of the Secretary of said company therefor, which receipt shall be executed in triplicate, and shall set forth the number, date, and amount of each bond so delivered; such Chairman shall thereupon file one of such receipts in the office of the Clerk of said county, one in the office of the Auditor, and one in the office of the Treasurer of such county, and shall make report to the Board of Supervisors of the proceedings in the premises at the next meeting thereof.

SEC. 11. All bonds issued under the provisions of this Act shall have coupons for the interest attached, so that the same may be removed without mutilation of the bonds; such coupons shall each be for one half year's interest upon the bond to which it is attached; they shall be numbered from one to forty, consecutively; each shall specify the number of the bond to which it is attached, the amount to become due upon such coupon, and the day when it is payable, and each shall be signed by the Auditor of the county for which it is issued. When any interest shall be paid upon any bond issued under the provisions of this Act, the County Treasurer paying the same shall receive the

Issue of bonds.

Amounts.

Interest.

Payable in gold coin.

Bonds, and receipt for same.

Cancellation coupon for the interest so paid, shall cancel the same by writing across the face thereof the word "paid," with the date of payment and his official signature, and shall thereupon deliver the same to the Auditor of said county, taking his receipt in duplicate therefor, one copy of which said Treasurer shall file in his own office, and the other copy of which he shall deliver to the Clerk of said county, and thereupon such Clerk shall report the same to the Board of Supervisors of such county at the next meeting thereof.

Levy of tax. SEC. 12. When any county shall have donated aid to or subscribed to the capital stock of said railroad company, as herein provided, it shall be the duty of the Board of Supervisors of such county, at the same time of levying other taxes in said county (or in the first year at any time before the making out of the duplicate of the general assessment list for such county) in each year to levy a tax sufficient to raise the amount of interest falling due within each year, and not less than two nor more than five per cent of the principal of such bonds, which shall be paid into a fund to be styled the Railroad Fund. The taxes provided in this section shall be levied and collected at the same time and in the same manner as taxes for county purposes, and when collected shall be paid into the County Treasury, and shall be kept separate from other funds of the county, and be applied as follows:

How applied. *First*—To the payment of the interest as it falls due;

Second—To the payment and redemption of such bonds as hereinafter provided.

Redemption of bonds. SEC. 13. Whenever there shall be in the Railroad Fund of any county, after providing for the interest of the current year, a sum of money amounting to three thousand dollars or upwards, it shall be the duty of the County Treasurer to advertise in a newspaper published in such county, if any newspaper be published therein, and if not, then in a newspaper published in the next adjoining county, and also in at least one newspaper published in the City and County of San Francisco, once in each week for four weeks, for sealed proposals for the redemption of bonds, stating the amount of money on hand applicable to that purpose; and ten days from the expiration of the time for such publication said Treasurer shall open the proposals so received, and such bonds as shall be surrendered by the holders thereof at the lowest proposed rate, and having all the unpaid coupons thereto attached, shall be paid off and liquidated so far as the fund on hand will go for that purpose; *provided*, however, that such proposed rate shall not be for more than the par value of such bond and the interest already accrued and unpaid thereon; and, *provided*, further, that should there be no proposals made for less than par value as aforesaid, then the fund on hand shall be applied in payment of such bonds and the interest then actually accrued and unpaid, in the order of the number of their issue, the County Treasurer giving four weeks' notice, in the manner hereinbefore provided, of the numbers of said bonds to which the fund on hand will be applied, and requesting their presentation for payment, after which time such bonds, if not presented, shall cease to draw interest. When all the bonds so issued shall have been liquidated, redeemed, and paid off, any

moneys remaining on hand in the Railroad Fund shall be paid into the General Fund of the county. In all cases of the liquidation or payment of bonds issued under the provisions of this Act, the same course shall be pursued in reference to cancelling, filing, receipting for, and reporting the same, as is hereinbefore provided upon the payment of interest coupons.

SEC. 14. Whenever any county shall have subscribed to the capital stock of said railroad company under the provisions of this Act, such county shall possess all the rights and powers of any stockholder in such company, and the Board of Supervisors may, from time to time, as occasion shall require, appoint one of their own number, or any citizen of said county, to represent said county at any meeting of the stockholders of said company, and to cast any and all votes at such meeting which said county, if a natural person holding the same amount of stock, would be entitled to cast, and generally on behalf of such county to do any and all things pertaining to the business of said company which a natural person holding stock therein might or could lawfully do. A certified copy of the order of the Board of Supervisors, under the seal of the county, filed with the Secretary of said company, shall be the evidence of the authority of the person therein named to act on behalf of such county.

SEC. 15. Whenever any county shall make a donation in aid of said railroad company, under the provisions of this Act, the same shall be made and accepted (if the same is accepted) upon the express condition that said railroad company shall at any and all times after the opening of its railroad to general business, if so required, transport all prisoners being taken to the Jail of such county, or from the Jail to the place of trial, and the officers having them in charge, and any and all materials for the construction or repair of the Court House or Jail of such county over said railroad free of charge.

SEC. 16. All officers having any duty to perform under the provisions of this Act, shall be allowed the same rate of compensation therefor as is allowed for other similar service, to be fixed by the Board of Supervisors and paid out of the General Fund of the county.

SEC. 17. All taxes, except State taxes, paid by said railroad company receiving county bonds under this Act in the county issuing such bonds, instead of being distributed into the several funds of the county, like other taxes, and all dividends paid by said company to said county, shall be paid into and form a part of the Railroad Fund so long as any such bonds shall remain outstanding and unpaid; *provided*, this Act shall not apply to the Counties of Alameda, Santa Clara, or San Francisco.

CHAP. DXCII.—An Act to amend an Act entitled an Act concerning roads and highways in the County of Monterey, approved April eighth, eighteen hundred and sixty-two.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Road districts. Section 1. The Counties of Monterey and San Luis Obispo are hereby divided into road districts. The road districts therein shall be identical with the districts of County Supervisors.

SEC. 2. The provisions of the above named Act are hereby extended to the County of San Luis Obispo in all its provisions.

SEC. 3. This Act shall be in force from and after its passage.

CHAP. DXCIII.—An Act to regulate the fees of Constables in the County of San Bernardino.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fees. SECTION 1. Constables in San Bernardino County shall receive the following fees, to wit:

For serving summons in civil suits, for each defendant, twenty-five cents.

For summoning a jury before a Justice of the Peace, seventy-five cents.

For taking a bond required to be taken, twenty-five cents.

For summoning each witness, ten cents.

For serving an attachment against the property of a defendant, fifty cents.

For summoning and swearing a jury to try the rights of property, and taking the verdict, one dollar.

For receiving and taking care of property on execution, attachment, or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the Constable that such charges are correct and the expenses necessarily incurred.

For collecting all sums on executions, one half of one per cent, to be charged against the defendant in the execution.

Constables shall receive, in serving summons, attachments, order, execution, venire, notice, and subpoena, in civil cases, for each mile travelled, in going only, (but when two or more persons are served in the same suit, mileage shall only be charged for the most distant, if they live in the same direction,) five cents.

For serving a warrant, or order for delivery of personal property, or making an arrest in civil cases, fifty cents.

For service and travel in criminal cases, the same fees as is [are] allowed in civil cases.

For all other services, the same fees as is [are] allowed in this Act.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DXCIV.—*An Act further defining the duties of the County Recorder of Yuba County.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The County Recorder of the County of Yuba shall be ex officio Clerk of the Board of Supervisors of said county, and shall keep and preserve all the records of said Board in his office, and said records shall at all times during office hours be open for examination by the public, without fee or charge therefor.

SEC. 2. For all the duties required to be discharged by the ^{salary.} Clerk of the Board of Supervisors, Board of Equalization, and

Board of Canvassers, and all other duties required by law to be discharged by said Clerk of the Board of Supervisors, and also as County Auditor, in making out the duplicates of assessment rolls and subsequent assessment, and footing up the valuations of property, and computing and carrying out the amount of taxes thereon as required by law, and for preparing the maps and plats, and entering the names of the owners or claimants of real estate and the valuation thereon, and for all services required of him by law, so far as the same is or may be chargeable to the county, he shall be allowed and receive a salary not to exceed the sum of one thousand six hundred (1,600) dollars per annum, payable quarterly, out of the County Treasury, which salary shall be in full for all services required of him as such Auditor and Clerk of the Board of Supervisors; and the Board of Supervisors of Yuba County are hereby prohibited and barred from making any other or further allowance or appropriation in any manner for any service of the Auditor or Clerk of the Board of Supervisors. In the matter of all licenses,

^{Fees on} except foreign miners' license, he shall be paid by the party ^{licensed.}

procuring such license the sum of fifty cents for each license issued and sold, including bridge and ferry license; and no other fees shall be charged, collected, or received by him other than

the salary and fees set forth herein; and the office shall be considered and is hereby declared a salaried office. Any officer who shall violate any of the provisions of this section, in allowing, charging, or receiving any other or greater salary or fees than are herein provided shall be deemed guilty of a misdemeanor,

^{Penalty for}
violation of
provisions.

and shall be removed from office upon the complaint of any taxpayer.

Repeal.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby made inapplicable to the County of Yuba; and section six of an Act entitled an Act to regulate fees in office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty, is hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after the first Monday of March, A. D. eighteen hundred and sixty-eight (1868.)

CHAP. DXCV.—An Act to authorize Lewis Schwartz and Charles F. Miller to construct a wharf near the Aptos Creek, in Santa Cruz County.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchisee.

SECTION 1. Lewis Schwartz and Charles F. Miller, and their assigns, are authorized hereby to construct a wharf near the Aptos Creek, in the Bay of Monterey, in the County of Santa Cruz, commencing at the wharf lot near the mouth of said Aptos Creek, leased to them by Rafael Castro of said county on the nineteenth day of March, A. D. one thousand eight hundred and sixty-six, and running in a southerly direction into said Bay of Monterey one thousand feet from ordinary low water mark; the said wharf to be not more than one hundred and fifty feet wide, and to be completed within one year from the passage of this Act.

Release of right to land.

SEC. 2. All right of the State of California to the land on which such wharf may be constructed is hereby released for the period of twenty years from and after the passage of this Act to the said Lewis Schwartz and Charles F. Miller, and their assigns; provided, said wharf is completed in one year after the passage of this Act.

Tolls, and wharfage.

SEC. 3. The said Lewis Schwartz and Charles F. Miller, or their assigns, shall have the right to collect reasonable tolls and wharfage for the period of twenty years from and after the passage of this Act, for the use of said wharf.

SEC. 4. This Act shall take effect immediately after its passage.

CHAP. DXCVI.—An Act in relation to probate sales.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases when real estate has been sold in this State under the order of the Probate Courts of the several

counties to purchasers in good faith, for a valuable consideration, and defects of form, or omissions, or errors exist in any of the proceedings, such sales are hereby ratified, confirmed, and made valid and sufficient in law to transfer the title of the property sold; *provided*, however, that this Act shall not affect in any manner rights acquired prior to its passage, by vendees, grantees, or mortgagees, who claim interests in or liens upon such property under heirs or devisees adversely to such probate sales, nor to sanction in any manner cases of actual fraud.

Sales of real estate ratified.
Proviso.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. DXCVII.—An Act to legalize the acts of the County Recorders of the County of Tulare.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the acts heretofore performed since the first Monday of March, eighteen hundred and sixty-two, up to the passage of this Act, by the persons acting as County Recorders of the County of Tulare, or ex officio in any other office, are hereby legalized and declared valid the same as though said persons had been duly and properly elected to said office.

SEC. 2. This Act shall take effect immediately.

CHAP. DXCVIII.—An Act to grant to certain parties herein named the right to construct and maintain a turnpike or wagon road in the Counties of Tulare and Los Angeles.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. William B. Poer, his associates and assigns, are hereby authorized and empowered to construct and maintain a turnpike or wagon road from any point on Kern River, near the Town of Kernville, in the County of Tulare, by the most practicable route, to Agna Caliente Valley, in the northern part of the County of Los Angeles; and said grantee, his associates and assigns, shall have the right of way, and may enter upon and occupy any public or private lands necessary to the location or construction of said road, and to take and use any timber, rock, earth, gravel, or any other material necessary to the construction and repair thereof, under the rights conferred and

restrictions imposed upon railroad companies by Act approved May the twentieth, one thousand eight hundred and sixty-one, and shall have and enjoy said rights, privileges, and immunities for a term of twenty years from and after the passage of this Act.

Grades and construction. SEC. 2. Said turnpike or wagon road shall be built in a good and substantial manner, the ascending and descending grades shall not exceed fourteen feet to the one hundred, with a roadway at least sixteen feet wide on all parts of said road where only timber, loose rocks, earth, or gravel are necessarily removed or used for filling in, and fifteen feet where blasting of rocks with powder is necessary to the excavation and construction of said road; but all bends and short turns shall be built with sufficient way room to allow two teams to pass each other without inconvenience and without danger to life and limb.

Commencement, and completion. SEC. 3. The grantee named in section one of this Act, his associates and assigns, shall be in readiness to commence the construction of said road and shall have engaged, on or before the first day of June next ensuing, and have at work at one or more points on the line of said road, at least ten laborers hired or employed with suitable tools and implements, and engaged in the building and construction of said road, and shall complete the same on or before the first day of June, one thousand eight hundred and sixty-eight.

Tolls. SEC. 4. In consideration of the construction of said road, and upon the further condition of keeping the same in good repair, the said grantee, his associates and assigns, shall have the exclusive right to erect toll gates, to demand and collect tolls thereon in such sums of money as they shall see fit, not to exceed the following rates, to wit: For a horse, mare, mule, or other animal, and rider, twenty-five cents; stage, or any vehicle for carrying passengers, with two animals, one dollar, and for each additional pair of animals, fifty cents; one loaded wagon, or vehicle, with two animals, one dollar, and for every additional pair of animals, twenty-five cents—when attached to empty wagon, half rates; each trail wagon, fifty cents; for any pleasure carriage, buggy, gig, or other vehicle, fifty cents; for each loaded pack animal, ten cents; for loose horses, mules, jacks, or work oxen, five cents each; for sheep, goats, swine, cows, or beef cattle, one cent each. The above rates may be charged on the completion of said road as provided in section two of this

Single track wagon road half rates of toll. Act; and it is further *provided*, that said grantee, his associates and assigns, may construct a single track wagon road between the points designated in section one of this Act, and charge half rates of toll on all animals attached to loaded or empty wagons; also, on all loaded or unloaded pack animals, and full rates of toll on all carriages, buggies, and other vehicles, and loose stock of every description; and may also, on completion of any section of said road of the length of twenty miles, charge tolls equal in amount to the ratio the said twenty miles may bear to the whole length of said road when fully completed.

Counties may purchase. SEC. 5. After the expiration of ten years from the completion of said road, the counties through which the same may pass, shall have the right to purchase said road at an appraised value, to be determined by three appraisers, one to be selected

by said grantee, his associates and assigns, one by the Supervisors of the county in which the greater portion of said road is located, and one by the two appraisers herein provided for; *provided*, that after such purchase, said road shall be free of toll or charges.

SEC. 6. At each toll gate erected on said road the rates of toll shall be conspicuously posted.

SEC. 7. Should the rates of toll established by this Act produce a greater income than fifteen per cent per annum over and above the cost of construction, collecting tolls on and keeping said road in repair, the overplus shall be divided pro rata with the counties through which the said road may pass, and paid into the Common School Fund of said counties. *Overplus to county.*

SEC. 8. This Act shall take effect from and after its passage.

CHAP. DXCIX.—*An Act to amend an Act entitled an Act to authorize the County Treasurers of the Counties of Napa, Lake, and Mendocino, to collect and receive certain public moneys as revenue, approved February twenty-ninth, eighteen hundred and sixty-four.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of an Act entitled an Act to authorize the County Treasurer of the Counties of Napa, Lake, and Mendocino, to collect and receive certain public moneys as revenue, approved February twenty-ninth, eighteen hundred and sixty-four, is amended so as to read as follows:

Section 2. As Tax Collectors, the County Treasurer of Napa County shall receive one per cent, and the County Treasurer of Lake County two per cent, in addition to the present compensation, on all moneys received by them under the provisions of this Act, and no other percentage or sum shall be paid to any person or officer for receiving or collecting the moneys herein provided to be paid to said Treasurers in said counties, before the time of the collection of the same by the District Attorney, as provided by law, and the Treasurers of said counties shall be responsible on their official bonds for any and all acts done pursuant to this Act. *Fees of officers.*

SEC. 2. This Act shall be in force from and after its passage.

CHAP. DC.—*An Act entitled an Act concerning partnerships for mining purposes.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Any member may give notice.

SECTION 1. Whenever any two or more persons, being owners, occupants, or locators of any mining claim, or when any two or more persons shall have associated themselves together, with or without any written agreement, (but not as a body corporate,) for the purpose of working or prospecting any mining claim on any of the public lands of the United States, shall, after being notified in writing by any member of said mining company that they have been associated in said mining claim, be deemed to be copartners for the purpose of prospecting or working said mining claim, and shall be subject to the provisions and liabilities imposed by this Act.

Notice, how given.

SEC. 2. After a mining claim shall have been located, any person who shall be a member of the company, desiring to work said claim, may notify the other members of the company of his or their desire to have an assessment levied against the owners of said claim for the purpose of prospecting, working, or developing such claim, designating a time and place for a meeting of the members of such company for the purpose of levying such assessment. Such notice shall be given as provided in the fourth section of this Act, and if a majority of the shares in such mining claim be represented at such meeting, then a majority of those present at such meeting shall be authorized to levy such assessment; but if a majority of the shares in such company be not represented at such meeting, then a majority of those present shall be authorized to cause the said mining claim to be prospected or worked; and thereafter the owners in

Meetings.

such mining claim shall be liable for their respective proportion of the expenses so incurred in prospecting, working, or developing such claim, to the extent of the value of their interest in such claim; and thereafter assessments may be levied from time to time, not oftener than once in thirty days, by any member not delinquent of said mining company, against delinquent members, for the collection of sufficient amount of assessment to pay for the working and prospecting of such claim up to the time such assessment is made; and such delinquent assessment may be collected as in this Act provided; *provided*, that when the mining companies have by-laws designating what amount of work shall be done in such claim, then any assessment made as provided in this Act shall not exceed an amount sufficient to pay for the work required by the by-laws; and, *provided*, further, that no new assessment shall be made until all previous assessments have been paid, or the remedies for the collection thereof shall have been exhausted.

Effect of refusal to pay.

SEC. 3. Any member of a mining company, or his heirs, executors, administrators, or assigns in any mining claim, who shall neglect or refuse to pay any assessments, or shall neglect to perform any labor or other liability which shall become due

from him under this Act, may, after the expiration of thirty days after such assessment, labor, or other liability has become due, be notified in writing by any remaining member or members, or by his or their agent, that such assessment, labor, or other liability is due, which written notice shall specify the name of such mine and the district wherein it is located, and shall particularly mention the liability which has been incurred.

SEC. 4. Such notice and all other notices required under this Act shall be served as follows:

First—If the party reside in the county where the mine is located, it shall be delivered to him personally or left at his place of residence;

Second—If the party reside out of the county, but within the State, and his place of residence is known, such notice shall be deposited in a Post Office or express office, in a sealed envelop, with postage or express charges, as the case may be, prepaid, addressed to such party at his place of residence;

Third—If such party reside out of the State, or his place of residence is unknown, such notice shall be published once a week for eight successive weeks, in some newspaper published in the county where the mine is located, if there be such paper, otherwise in some newspaper published in an adjoining county.

SEC. 5. If the person so notified shall neglect or refuse to pay or discharge such assessments, work, or liability, for ten days after personal service or leaving notice at his residence, when such service has been had or notice so left, or for twenty days after deposit in post or express office of such notice, when such deposit has been made, or until the expiration of the full period of publication herein provided, when publication is made, thereafter such delinquent shall be deemed to have absolutely forfeited and abandoned to the other members of said mining company all the right, title, claim, and interest owned, held, or possessed by such delinquent in the said mining claim, such portion thereof as shall be sufficient to satisfy such delinquency; the remaining member or members may sell the interest of such delinquent member in and to such mining claim, or so much of said interest as may be required to pay such assessment or liability, together with costs of sale.

SEC. 6. All sales under the provisions of this Act shall be at public auction at the mining claim, and shall be made by any Constable of the township, auctioneer, or Sheriff of the county, and by giving ten days notice thereof by posting written notices in three public places within the mining district where such mine is located. The notice shall also specify the extent of the interest of the delinquent, and the amount of the delinquency, and the name of such delinquent member or members, at the time and place of such sale, which place shall be within the district where the mine is located, and shall commence by offering the smallest number of feet or shares in such claim for sale, and continue selling at the same time and place until a sufficient number of feet or shares is sold to pay the delinquent assessment or liabilities; and the officer selling shall execute a deed to the purchaser or purchasers, and such deed shall be received in all Courts as *prima facie* evidence of the lawful authority of the officer selling, and of the regularity of all proceedings prior

*Effect of
not paying
assessment.*

*How sales
shall be
made.*

to the execution of the deed, and as *prima facie* evidence that all the right, title, and interest of the party delinquent has been lawfully and rightfully sold and conveyed to the purchaser; and the purchaser's title to such mining claim shall be absolute.

*Act applied
to incorpo-
rated com-
panies in
certain cases*

SEC. 7. The provisions of this Act shall also apply to all persons who have refused or neglected to sign articles of incorporation or a deed of trust in any incorporated mining company.

SEC. 8. An Act entitled an Act concerning partnerships for mining purposes, approved April fourth, eighteen hundred and sixty-four, is hereby repealed.

SEC. 9. This Act shall take effect from and after its passage.

CHAP. DCI.—An Act to authorize the Supervisors of Solano County to transcribe and preserve such records of Solano County as said Supervisors may direct.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

*Old records
may be
transcribed.*

SECTION 1. The Board of Supervisors of Solano County are hereby authorized and required, from time to time, to order such of the public records of the Recorder's and Clerk's offices in said county as in their opinion it may be necessary to have transcribed, to be transcribed by the County Recorder and Clerk in books of record, and to be properly indexed according to law.

*New records
to have same
force and
effect as old.*

SEC. 2. The books of record and each of the entries therein made as directed by section one of this Act shall have the same force and effect as the original records transcribed therein may have had, and copies of any of the records or entries transcribed as provided in this Act shall have the same force and effect as copies of the original records or entries may have had.

*Fees of
Recorder.*

SEC. 3. The County Recorder and Clerk shall receive for the services that may be rendered under this Act such compensation as the Supervisors may direct; *provided*, that in no case shall they receive for such compensation a sum which shall exceed the fees now allowed by law for like services; and the same shall be paid out of the County Treasury in the same manner as other demands against the said Solano County are paid.

*Records to be
preserved.*

SEC. 4. The original records shall be carefully preserved in the offices of said County Recorder and Clerk for further reference.

SEC. 5. This Act shall take effect immediately.

CHAP. DCII.—An Act to legalize assessments, and to provide for the collection of delinquent taxes in the several counties of this State.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessments of taxes upon property, real and personal, made in the several counties in this State, whether for State or county purposes, during the fiscal years commencing in the year eighteen hundred and sixty-two, and in the year eighteen hundred and sixty-three, and in the year eighteen hundred and sixty-four, and in the year eighteen hundred and sixty-five, are hereby legalized and confirmed, and rendered valid and binding both in law and in equity against the persons and property assessed; and all delinquent State and county taxes due on such assessments may be collected, and the collection thereof enforced as provided by law.

SEC. 2. The delinquent tax list for said revenue years, duly certified by the proper officers, shall be delivered to the District Attorney, and the said delinquent list, or the original or duplicate assessment rolls, or a copy of any entry therein, duly certified, showing unpaid taxes against any person or property, shall be evidence in any Court to prove the delinquency of property assessed, the amount of taxes due and unpaid, and that all the forms of law in relation to the levy and assessment of such taxes have been complied with, and neither the delinquent tax list nor the assessment [roll] need be filed in any case.

SEC. 3. This Act shall take effect and be in force from and after its passage; but section two shall not apply to the City and County of San Francisco.

CHAP. DCIII.—An Act to regulate the issue of county warrants in the County of Trinity.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first day of May, A. D. one thousand eight hundred and sixty-six, all warrants drawn on the County Treasury of the County of Trinity shall be signed by the County Auditor, and countersigned by the District Attorney of said county, whose duty it shall be to countersign all warrants drawn on the Treasury by the County Auditor; *provided*, all the provisions of law controlling the issue of said warrants have been complied with; and all warrants not drawn in conformity with the provisions of this Act shall be void.

SEC. 2. From and after the first Monday in March, A. D. one thousand eight hundred and sixty-eight, no warrant drawn on

~~Not to bear interest after 1868.~~ the County Treasury of Trinity County shall bear any interest whatever, nor shall the County of Trinity be liable to pay any interest upon any indebtedness created after the above specified time.

SEC. 3. All Acts or parts of Acts so far as they conflict with the provisions of this Act are hereby repealed.

CHAP. DCIV.—*An Act to appropriate money to complete the Broderick Monument.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated out of any money in the General Fund not otherwise appropriated, to aid in completing the construction of the monument erecting to the memory of the late Honorable David C. Broderick, in Lone Mountain Cemetery, in the City of San Francisco; and the Controller of State is hereby authorized and directed to draw his warrant in favor of William McKibbin, President of the Broderick Monument Executive Fund, for the sum of two thousand five hundred dollars, and the Treasurer is directed to pay the same; *provided*, that the Commissioners shall advertise in some newspaper published in the City of San Francisco, for proposals for the completion of said monument in accordance with the plans of the architect, and shall let the contract for said work to the lowest responsible bidder therefor; and, *provided*, further, that the Controller shall not draw his warrant for any portion of this appropriation until the full completion of this work, and until this work and the amount to be appropriated for the payment of the same shall be approved by B. B. Redding, H. P. Coon, and Nathan Porter.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. DCV.—*An Act amendatory of a supplemental Act, approved April eleventh, eighteen hundred and sixty-two, entitled an Act to provide for the reclamation and segregation of swamp and overflowed and salt marsh and tide lands, approved May thirteenth, eighteen hundred and sixty-one.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Levy of tax. **SECTION 1.** The Board of Supervisors of Sutter County is hereby authorized and empowered, at their regular meeting

commencing on the first Monday of May, eighteen hundred and sixty-six, to assess a tax of fifty cents on each and every acre of land included in Swamp Land District Number One, within the County of Sutter. Also the further tax of twelve and one half cents on each and every dollar of the assessed value of improvements on real estate included in said district within said county.

SEC. 2. The tax thus authorized to be levied shall be collected as other taxes are required to be levied and collected, and the laws for the collection of State and county taxes are hereby made applicable to the tax authorized to be levied and collected under the provisions of this Act; *provided*, that the tax shall be levied and collected on the assessment of real estate and improvements made for the current fiscal year, eighteen hundred and sixty-six.

SEC. 3. Such tax when levied shall be in lieu of the tax levied in eighteen hundred and sixty-four, and warrants on the Fund of Swamp Land District Number One shall be taken in payment of taxes so levied, and all land in this district within Sutter County unsold and not taxed for reclamation, shall be taxed at the same rate when sold as other land has been taxed, and the money paid into the County Treasury.

SEC. 4. At any time when there shall be presented to the Board of Supervisors of Sutter County a petition signed by the holders of patents or certificates of purchase of swamp lands within Swamp Land District Number One, representing one third of the number of acres of swamp lands of said district situated in Sutter County, asking the formation of a new and separate district, to be formed out of that portion of said district so situated in said county, then said Board of Supervisors are hereby authorized and required to organize such district; and said Supervisors shall thereafter be empowered to control the reclamation of such district so formed under the same rules and laws which may or have been made for the guidance of other Boards of Supervisors in relation to the reclamation of such district as are or may be intrusted to their care and control. The Board of Supervisors of the County of Sacramento, upon satisfactory evidence of the formation of such new district as above provided being presented to them, shall transfer all papers and documents in their possession belonging to that portion of District Number One situated in Sutter County, to the Supervisors of said Sutter County, and the Controller shall set apart all money received from lands so formed into said new district into a separate fund for said district, and shall separate all the warrants now drawn on District Number One, setting aside so many of said warrants to said new district, taking them alternately as to numbers, that the amount of warrants so set apart shall bear the same proportion to the whole amount of warrants on said district as the number of acres in said new district bears to the whole number of acres in the present District Number One. And the Treasurer shall pay the warrants so separated by the Controller out of the district fund to which they are assigned in the same order as is now provided by law for the payment of warrants on other districts.

SEC. 5. All laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be applicable to the County of Sutter only, and take effect and be in force from and after its passage.

CHAP. DCVI.—An Act to provide for the payment of the State's portion of the County Auditors' salaries in the Counties of Shasta and Plumas.

[Approved April 2, 1866.]

Preamble. WHEREAS, The Counties of Shasta and Plumas have for the last four years paid the whole compensation allowed by law to the Auditors of said counties respectively; and, whereas, in sections fifty-two and one hundred and four of the revenue laws, it is made the duty of the State to pay its proportion of such compensation; now therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation. SECTION 1. The sum of two thousand two hundred and eight dollars and sixty-two cents is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of paying the State's portion of the County Auditors' salaries in the Counties of Shasta and Plumas for the years eighteen hundred and sixty-two, eighteen hundred and sixty-three, eighteen hundred and sixty-four, and eighteen hundred and sixty-five.

Apportionment. SEC. 2. The Controller of State is hereby authorized and directed to draw his warrants upon the State Treasurer in favor of Shasta County for the sum of one thousand three hundred and thirteen dollars and forty-four cents, and in favor of Plumas County for the sum of eight hundred and ninety-five dollars and eighteen cents, for the purpose aforesaid.

SEC. 3. This Act shall take effect immediately.

CHAP. DCVII.—An Act to further amend an Act to incorporate the City of Monterey, approved May eleventh, eighteen hundred and fifty-three, as amended March fourth, eighteen hundred and fifty-seven.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifteen of said Act is hereby amended so as to read as follows:

Section 15. The authorities of said city shall not contract any debt by borrowing money, loaning credit, or otherwise.

SEC. 2. All sales and conveyances made by the corporate sales authorities of said city since the eighth day of February, A. D. eighteen hundred and fifty-nine, and which conveyances purport to have been recorded in the County Recorder's office of Monterey County, purporting to convey public lands or lands confirmed to said City of Monterey in pursuance of the Act of Congress of March third, A. D. eighteen hundred and fifty-one, entitled an Act to ascertain and settle the private land claims in the State of California, are hereby ratified and confirmed.

SEC. 3. This Act shall take effect immediately.

CHAP. DCVIII.—*An Act to authorize the Board of Supervisors of the County of Siskiyou to transfer and loan the surplus moneys now on hand and that may hereafter annually accrue in the County Hospital General Fund and the District Hospital Funds of said county, to the General Fund and School Fund of said county.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of Siskiyou are hereby authorized, in their discretion, to order the County Treasurer of said county to transfer, of all surplus moneys now remaining in the County General Hospital Fund of said county, or that may hereafter annually accrue therein, to the County General Fund sixty per cent, and to the County School Fund forty per cent; provided, that the Board of Supervisors may order the County Treasurer to transfer the surplus District Hospital Fund of each hospital district to the County General Fund and to the County School Fund in the same proportion as in this Act provided; provided, further, that the surplus Hospital Fund of one hospital district shall not be transferred to that of another, but shall alone be transferred to the school districts within the hospital district, to which such money belongs; and it shall be the duty of the County Auditor of said county, in the Auditor's account to charge said fund respectively with the amount of money so transferred; provided, that whenever in the judgment of the Board of Supervisors of said county the wants of said County General Hospital Fund, or any District Fund require it, the said Board of Supervisors shall order the County Treasurer, and it shall be his duty, to retransfer to the County General Hospital Fund, or the District Fund, from the County General Fund, and the County School Fund, and in the same proportion as hereinbefore provided, such sum or sums of money as the Board of Supervisors may direct, not exceeding the sums of money transferred to the County General Fund and the County School Fund, as herein provided; and the Auditor shall charge in the Auditor's account the said sums so transferred to the County General Hospital Fund and the District Hospital Fund.

SEC. 2. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. DCIX.—*An Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-four of said Act is hereby amended so as to read as follows:

Section 24. No person shall sue a county in any case or for any demand, unless he or she shall first present his or her claim or demand to the Board of Supervisors for allowance; and if they fail or refuse to allow the same, or some part thereof, the party feeling aggrieved may sue the county, and if the party suing shall recover in the action the full amount of the account, claim, or demand presented to the said Board for allowance, then the said Board shall allow the amount of the said judgment and costs as a just claim against the county. But if the party suing shall not recover in the action the full amount of the account, claim, or demand presented to the said Board for allowance, and upon which the action shall have been brought, then all costs shall be recovered against him or her by the county. When the Board of Supervisors shall, upon the examination of any claim, account, or demand of any nature whatsoever presented to them for allowance, find that the amount so claimed is greater than the just amount due from the county to the party or parties presenting the same or in whose name the same may be presented for allowance, it shall be the duty of said Board to reject such claim, and they shall not consider such claim, account, or demand, or any part thereof, until the next regular meeting of the Board; and no account or demand, or any part thereof, which shall have been twice considered by the Board shall ever again be acted upon or considered by them, except to carry out the order of a Court of competent jurisdiction relative thereto. And no account or claim against a county, nor any part thereof, shall be allowed by the Board unless such claim, itemized and properly verified, be presented to the Board within one year from the time that such claim accrued. When the claims thus presented shall be rejected in whole or in part, unless the party holding the same shall, within six months after the first rejection thereof, commence his action thereupon against such county, the cause of action shall be forever barred. All claims for services and items of account of a similar nature presented by any one person to the Board of Supervisors at any session of the Board, shall be included in one account, and so considered by the Board unless by consent of the Board.

Claim to be presented before suit.

Costs, how paid.

Claims, how allowed.

CHAP. DCX.—An Act for the relief of Garrett Welton.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of two thousand and twelve dollars is appropriated out of any money in the General Fund in the State Treasury not otherwise appropriated, for the payment of the claim of Garrett Welton for services rendered in the construction of the Deaf and Dumb Asylum in the City and County of San Francisco.

SEC. 2. The Controller of State is hereby authorized and required to draw his warrant on the Treasurer and in favor of Garrett Welton for the sum of two thousand and twelve dollars for the payment of the claim specified in the first section of this Act, and the Treasurer is required to pay the same.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. DCXI.—An Act to amend an Act entitled an Act to grant the right of way for a railroad track within the limits of the City and County of San Francisco, passed April twentieth, eighteen hundred and sixty-three.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the completion of the said railroad is hereby extended for the term of two years.

CHAP. DCXII.—An Act to redistrict the County of Santa Cruz, and to provide for the election of Supervisors.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County of Santa Cruz shall be divided into districts. four districts for the purposes hereinafter named, which districts shall be known and designated as follows: District Number One, the Township of Pajaro; District Number Two, the Township of Soquel; District Number Three, the Township of Santa Cruz; District Number Four, the Township of Pescadero.

Election
in 1866 for
Supervisors.

Term of
office.

Election in
1867.

Election in
1869.

SEC. 2. At the general election in the year eighteen hundred and sixty-six there shall be elected by the electors of the respective districts, one Supervisor for Supervisor District Number Two, and one Supervisor for Supervisor District Number Four, and one Supervisor for the county at large, to be elected by the electors of the county. Said Supervisors shall enter upon the duties of their office on the first Monday of the month next succeeding their election, and shall hold their office until the first Monday in March, eighteen hundred and sixty-nine, and shall, together with the Supervisors elect from Santa Cruz Supervisor District and Pajaro Supervisor District, constitute the Board of Supervisors of said county, and shall receive the same compensation for their services and shall succeed to all the powers and duties of the next preceding Board of Supervisors.

SEC. 3. At the general election for county officers for the year A. D. eighteen hundred and sixty-seven, and at each succeeding biennial election, there shall be elected two Supervisors as successors to those whose terms of office will next thereafter expire in two of said districts, which Supervisors shall be resident of the districts wherein such elections may be held, and shall be elected only by the qualified electors of their respective districts.

SEC. 4. At the general election for State and county officers in the year eighteen hundred and sixty-nine, and at each quadrennial election thereafter, there shall be elected for the County of Santa Cruz at large one Supervisor, subject to the same conditions as prescribed in section two of this Act; *provided*, that the officers elected under the provisions of this and the preceding section of this Act shall enter upon the duties of their office upon the first Monday of March next succeeding their election, and shall hold their office for the term of four years.

SEC. 5. The Supervisor provided to be elected in the last preceding section, and his successor in office, shall be the Chairman of the Board of Supervisors of said county.

SEC. 6. All Acts or parts of Acts in conflict with this Act are hereby repealed.

CHAP. DCXIII.—*An Act to fix the compensation of the County Clerk and County Superintendent of Public Schools of the County of San Luis Obispo.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Duties and
fees of
County Clerk

SECTION 1. From and after the passage of this Act, the County Clerk of San Luis Obispo County shall receive for all services rendered by him as such Clerk, or as Auditor, Clerk of the Board of Supervisors, Clerk of the Board of Equalization, Clerk of the Board of Canvassers, or in any other way by virtue of his office, or any of his ex officio offices, and for all services rendered by him for which fees are now chargeable against the county, the

sum of eight hundred dollars per annum, payable quarterly, out of the fund for current expenses of said county, in the same manner as are paid other salaries of county officers fixed by law; *provided*, that this Act shall not affect the right of said County Clerk to receive from the State that portion of his compensation as Auditor which is now by law chargeable against the State for services rendered in and about the collection of the revenue of the State; and also, that said County Clerk shall be entitled to receive such fees in civil cases as are already fixed by law.

SEC. 2. The County Superintendent of Public Schools shall be entitled to receive for all services rendered by him as such, the sum of three hundred dollars per annum, payable quarterly, out of the fund for current expenses of said county, in the same manner as are now paid the salaries of county officers fixed by law.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. DCXIV.—*An Act submitting to the voters of Lake County at the next general election the removal of the county seat thereof.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. At the next general election held in the State of California, the qualified electors of the County of Lake may by vote determine whether the county seat shall remain at Lake-port, or be removed to Lower Lake.

SEC. 2. The ballots to be used at such election shall be written or printed, and shall read, "County Seat—Lakeport," "County Seat—Lower Lake," and that place having the highest number of votes shall be the county seat of said county.

SEC. 3. The Supervisors at their next meeting after said election, shall canvass the votes on the question of county seat, and declare the result, and publish the same in their official report of said election as now provided by law.

SEC. 4. If, upon canvassing the votes at said election as herein provided, it shall appear that Lower Lake has the highest number of votes cast, the Board of Supervisors shall thereupon take measures for removing said county seat, buildings, and records, or in their discretion sell the same, with the real estate, if there be any, or possessory titles, or interest therein, at private or public sale, giving thirty days' notice thereof, which amount of such sale, together with the sum secured to be paid by bond of E. M. Day and others, now on file in the Clerk's office of said county, they shall expend in the erection of suitable public buildings at Lower Lake, and remove the county records and furniture thereto, on or before the first day of December thereafter.

Duty of
District
Attorney.

SEC. 5. It is further enacted, that in case the county seat of Lake County is removed as herein provided, the obligors on said bond of E. M. Day and others shall pay the same within thirty days after the publication of the vote on said removal, or in default thereof the District Attorney of said county, under the order of the Board of Supervisors of said county, shall proceed to collect the same as upon official bonds, and pay such moneys into the County Treasury, subject to the order of said Board of Supervisors, to be expended by them as hereinbefore provided.

CHAP. DCXV.—*An Act to provide for the construction of a wagon and turnpike road in the Counties of San Luis Obispo and Santa Barbara.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise.

SECTION 1. John B. Ward, Francis J. Ward, José Antonio Estudillo, and their associates and assigns, are hereby authorized to construct and maintain a wagon and turnpike road from Buena Vista Lake to the Pacific Ocean; said road commencing at a point on or near the southern side of said lake; thence by a certain pass near the head of the Cuyama River; thence down the Cuyama River and Santa Maria Creek, and to the western extremity of the Guadalupe Ranch, on the Pacific Ocean, taking the most practicable route along said line; and the said grantees and their associates and assigns are hereby authorized to bridge the said streams at such points as the said road may cross the same, and to collect such tolls upon said road, for the period of twenty years from and after the completion thereof, as may be fixed by the Boards of Supervisors of the counties through which said road shall pass; *provided*, however, that such rates of toll shall not be so reduced as to afford an income of less than fifteen per cent per annum upon the cost of constructing said road and bridges, over and above the expense of collecting the tolls and keeping said road and bridges in repair; *provided*, further, that said company shall be authorized to collect tolls, to be regulated as in this section provided, upon any ten miles of said road as soon as such portion thereof shall be completed; and, *provided*, further, that the survey and location of said road shall be commenced within three months after the passage of this Act, and the entire line of said road shall be completed within two years from and after the passage of this Act; otherwise, the rights herein granted shall be forfeited, and the Act shall become null and void.

When road to
be located.

What fran-
chise grants.

SEC. 2. Said grantees, their associates and assigns, shall have the right of way over and along the route of said road, and shall have all the rights to enter upon and occupy private lands necessary to the location thereof, and to take and use any timber, rock, earth, or other material necessary to the construction and repair thereof, which are conferred upon railroad companies

by an Act for the incorporation of railroad companies, approved May twentieth, A. D. eighteen hundred and sixty-one.

SEC. 3. It shall be lawful for said grantees, their associates and assigns, to throw open their road for such period as they may deem proper by giving one week's notice by publication in a newspaper published in each of said counties of the date of such opening; and during the time said road remains so open, said company shall not be required to keep the same in repair, and shall not be liable for damages accruing in consequence of defects therein, and shall collect no tolls thereon during such time.

SEC. 4. The Act of May twelfth, A. D. eighteen hundred and fifty-three, authorizing the formation of corporations for the formation of plank and turnpike roads is hereby made applicable to said company, except so far as it may conflict with the provisions of this Act.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. DCXVI.—*An Act to authorize the sale and conveyance to William Alvord, his associates and assigns, of certain overflowed lands in the City and County of San Francisco.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. William Alvord, his associates and assigns, are hereby authorized to have a survey made at their own expense, by the City and County Surveyor of San Francisco, of certain submerged and tide and marsh lands belonging to the State, situated in the City and County of San Francisco, to wit: Blocks numbered upon the map or plan of the "Potrero Nuevo," made by William J. Lewis in June, (1856,) eighteen hundred and fifty-six, Four Hundred and Eighty-six, Four Hundred and Eighty-seven, Five Hundred and Six, and Five Hundred and Seven, being bounded on the north by Butte street, on the west by Maryland street, on the south by Shasta street, on the east by Massachusetts street, and containing in all not to exceed eight acres; and upon the approval of his survey by the Surveyor-General, and upon the payment by said Alvord, his associates or assigns, to the Treasurer of the State, to the credit of the "Wharf and Dock Fund," the value of said land after the same has been ascertained by the State Harbor Commissioners, at a sum of not less than one hundred dollars per acre, for the number of acres so ascertained, the Register of the State Land Office shall certify said approval and payment to the Governor, whereupon a patent shall issue for said land to said Alvord; *provided*, this description shall not include more than the blocks numbered upon the aforesaid map Four Hundred and Eighty-six, Four Hundred and

Eighty-seven, Five Hundred and Six, and Five Hundred and Seven, with the adjacent streets; *provided*, further, that no portion of the purchase money shall be returned to the purchasers under the provisions of any of the laws of this State.

Consideration.

SEC. 2. *Provided*, that before such patent shall issue, said Alvord and his associates or assigns, shall commence the construction of a manufactory, on or near the upland adjoining the submerged lands herein authorized to be conveyed, for rolling iron, and for such other purposes in connection therewith as they may judge expedient, and shall so far complete the same within three years from and after the passage of this Act as to be capable of rolling therein at least fifty tons of railroad iron per month, otherwise this Act shall be void and of no effect; *provided*, that no patent shall issue until the provisions of this section are complied with; and, *provided*, further, that the provisions of this Act shall not interfere with any vested rights heretofore acquired by other purchasers.

Wharf subject to certain rules, etc.

SEC. 3. Any wharf or dock which may be built on said lots or on the aforesaid described property shall be subject to the same laws, rules, and regulations as govern other wharves under the supervision of the State Harbor Commissioners.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. DCXVII.—*An Act to authorize the construction and maintenance of a wharf in the County of Contra Costa, at or near the Town of Antioch, and on the southerly bank of the San Joaquin River.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise.

SECTION 1. The right to erect and maintain a wharf in the County of Contra Costa, at or near the Town of Antioch, and on the southerly bank of the San Joaquin River, is hereby granted to F. K. Shattuck, William Hillegass, J. H. Haste, C. Kirk, their associates or assigns; *provided*, the said Shattuck, Hillegass, Haste, Kirk, their associates or assigns, shall within one year commence and within two years finish said wharf.

Conditions.

SEC. 2. The said Shattuck, Hillegass, Haste, Kirk, their associates or assigns, are hereby authorized to use for the purposes aforesaid a strip of land not exceeding five hundred feet, along the river front, at the foot of Parsons street, as laid down on the map of Antioch, not less than two hundred feet west of the Galloway wharf, so called, and extending into the river far enough, without obstructing the navigation of the same, to accommodate the draught of such vessels of commerce as may navigate said river; *provided*, that nothing in this Act shall be construed to warrant any obstruction to the navigation of the waters of the river.

Extent.

SEC. 3. The privileges and rights herein granted shall extend twenty (20) years from the passage of this Act, the rates of

wharfage and dockage being subject to regulation from time to time by the Board of Supervisors of the county in which the said wharf is located.

CHAP. DCXVIII.—*An Act to authorize Romualdo Pacheco to mortgage or sell the property of his infant children.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Romualdo Pacheco, as guardian of his infant ^{Sale, how made.} children, Mabel Ramona Pacheco and Romualdo Pacheco, is hereby authorized and empowered from time to time to mortgage, or sell at public or private sale, as shall by him be deemed most advantageous for the interest of said minors, the whole or any individual interest of said minors in any real estate, or chattels real or personal, owned or claimed by said minors.

SEC. 2. The said guardian is hereby authorized to execute, ^{Conveyance.} acknowledge, and deliver to the purchaser a conveyance of the property sold, which shall absolutely and forever convey to and vest in the grantee all the right, title, interest, claim, demand, reversion, and remainder, legal and equitable, of the aforesaid minors in and to the property described in the deed of conveyance.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. DCXIX.—*An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, as amended by subsequent Acts.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixty-eight of said Act is hereby amended so as to read as follows:

Sec. 68. The Court may, in furtherance of justice, and on ^{Pleadings may be amended.} such terms as may be proper, amend any pleading or proceedings by adding or striking out the name of any party, or by correcting a mistake in the name of a party, or a mistake in any other respect, and may, upon like terms, enlarge the time for an answer or demurrer, or demurrer to an answer filed. The Court may likewise, upon affidavit showing good cause therefor, after notice to the adverse party, allow, upon such terms as may be just, an amendment to any pleading or proceeding in other particulars, and may, upon like terms, allow an answer to be

Court may grant relief in certain cases. made after the time limited by this Act; and may, upon such terms as may be just, and upon payment of costs, relieve a party or his legal representatives from a judgment, order, or other proceeding taken against him through his mistake, inadvertence, surprise, or excusable neglect; and when, for any cause satisfactory to the Court, or the Judge at chambers, the party aggrieved has been unable to apply for the relief sought during the term at which such judgment, order, or proceeding complained of was taken, the Court, or the Judge at chambers in vacation, may grant the relief upon application made within a reasonable time, not exceeding five months after the adjournment of the term. When, from any cause, the summons and a copy of the complaint in an action have not been personally served on the defendant, the Court may allow, on such terms as may be just, such defendant or his legal representatives at any time within six months after the rendition of any judgment in such action, to answer to the merits of the original action.

SEC. 2. Section one hundred and eighty is hereby amended so as to read as follows:

Findings of the Court.

Section 180. Upon a trial of issue of fact by the Court, judgment shall be entered in accordance with the finding of the Court, and the finding, if required by either party, shall be reduced to writing and filed with the Clerk. In the finding filed, the facts found and the conclusions of law shall be separately stated. In such cases no judgment shall be reversed on appeal for want of a finding in writing at the instance of any party who, at the time of the submission of the cause, shall not have requested a finding in writing, and had such request entered in the minutes of the Court; nor in cases tried by the Court by a Commissioner or a referee shall the judgment be reversed on appeal for defects in the finding, unless exceptions be made in the Court below for a defect in the finding; and in cases of exceptions for defective findings, the particular point or issue upon which the party requires a finding to be made, or the particular defect to be remedied, shall be specifically and particularly designated; and upon failure of the Court to remedy, or when tried by a Commissioner or referee, to cause to be remedied, by such Commissioner or referee the alleged defect, the party moving shall be entitled to his exceptions, and the same shall be settled by the Judge as in other cases; *provided*, that such exceptions shall be filed in the Court and served on the attorney of the adverse party within five days after receiving from or giving to the adverse party written notice of the filing of the finding; *provided*, that when any cause is tried and submitted upon a written statement of facts, agreed to by the parties or their attorneys, such statement shall have the effect of a special verdict or finding of facts, and judgment shall be pronounced thereon as upon a special verdict or finding of facts; and in such case, no finding of facts shall be made unless such statement shall fail to embrace all the facts proved and in issue, in which case any additional fact may be found upon evidence which is not repugnant to the agreed statement.

SEC. 3. Section one hundred and eighty-two is hereby amended so as to read as follows:

Section 182. A reference may be ordered upon the agreement Reference. of the parties filed with the Clerk, or entered in the minutes:

First—To try any or all of the issues in an action or proceeding, whether of fact or of law, and to report a finding and judgment thereon;

Second—To ascertain a fact necessary to enable the Court to proceed and determine the case.

Sec. 4. Section one hundred and eighty-four is hereby amended so as to read as follows:

Section 184. A reference may be ordered to any person or Referees. persons, not exceeding three, agreed upon by the parties. If the parties do not agree, the Court or Judge shall appoint one or more referees, not exceeding three, who reside in the county in which the action or proceeding is triable and against whom there is no legal objection, or the reference may be made to a Court Commissioner of the county where the cause is pending.

Sec. 5. Section one hundred and eighty-seven is hereby amended so as to read as follows:

Section 187. The referees or Commissioner shall report their findings in writing to the Court within ten days (or within such further time as may be allowed by the Court) after the testimony shall have been closed; and the facts found and conclusions of law shall be separately stated therein. The finding of the referee or Commissioner upon the whole issue shall stand as the finding of the Court, and upon filing of the finding with the Clerk of the Court judgment may be entered thereon in the same manner as if the action had been tried by the Court. The finding of the referees or Commissioner may be excepted to and reviewed in like manner as if made by the Court. When the reference is to report the facts the finding reported shall have the effect of a special verdict.

Sec. 6. Section one hundred and ninety-five is hereby amended so as to read as follows:

Section 195. The party intending to move for a new trial shall give notice of the same as follows: When the action has been tried by a jury, within five days after the rendition of the verdict; and when tried by a Commissioner, referee, or by the Court, within ten days after receiving written notice of the filing of the findings of the Commissioner, referee, or Court, when written findings are filed by the Court, or of the rendering of the decision of the Court when no findings are filed; provided, the decision be rendered in open Court, and if rendered at vacation, then within ten days after receiving written notice of the filing thereof; and when amendments are filed to remedy defects in the findings, within ten days after receiving written notice of the filing of such amendments. The notice shall designate generally the grounds upon which the motion will be made. Within five days after giving such notice, or within such further time, not exceeding twenty days, as the Court or Judge thereof or Court Commissioner may by order grant, the said party shall prepare and file with the Clerk the affidavit or statement required by the last section. If no affidavit or statement be filed within five days after the notice, or within such further time as the parties may agree, upon, or the Court or Judge thereof or Court Commissioner may by order grant, the right

Findings and
report of
referees.

Notice of
motion for
new trial.

Filing of
statement or
affidavit.

Contents.

to move for a new trial shall be deemed waived. When the notice designates as the ground upon which the motion will be made the insufficiency of the evidence to justify the verdict or other decision, the statement shall specify the particulars in which such evidence is alleged to be insufficient. When the notice designates as the ground of the motion errors in law occurring at the trial and excepted to by the moving party, the statement shall specify the particular errors upon which the party will rely. If no such specifications be made, the statement shall be disregarded. The statement shall contain so much of the evidence or reference thereto as may be necessary to explain the particular points thus specified, and no more. Such statement, when not agreed to by the adverse party, shall be settled by the Judge, upon notice. When agreed to, it shall be accompanied by the certificate of the parties or their attorneys that the same has been agreed upon and is correct. When settled by the Judge, the same shall be accompanied with his certificate that the same has been allowed by him and is correct. On the argument reference may also be made to the pleadings, depositions, and documentary evidence on file and the minutes of the Court. If the application be made upon affidavits filed, the adverse party may use counter affidavits on the hearing. Any counter affidavits shall be filed with the Clerk one day at least previous to the hearing. The affidavits and counter affidavits, or the statement thus used in connection with such pleadings, depositions, and minutes of the Court as are read or referred to on the hearing, shall constitute, without further statement, the papers to be used on appeal from the order granting or refusing the new trial. To identify the affidavits, it shall be sufficient for the Judge or Clerk to indorse them at the time as having been read or referred to on the hearing. To identify any depositions or minutes of the Court read or referred to on the hearing, it shall be sufficient that the Judge designate them in his certificate as having been thus read or referred to.

SEC. 7. Section two hundred and three is hereby amended so as to read as follows:

Section 203. Immediately after entering the judgment, the Clerk shall attach together and file the following papers, which shall constitute the judgment roll:

First—In case the complaint be not answered by any defendant, the summons, with the affidavit or proof of service, and the complaint, with a memorandum indorsed upon the complaint that the default of the defendant in not answering was entered, and a copy of the judgment.

Second—In all other cases, the summons, pleadings, verdict of the jury, or finding of the Court, Commissioner, or referee; all bills of exceptions taken and filed in said action, copies of orders sustaining or overruling demurrers, a copy of the judgment, and copies of any orders relating to a change of parties.

SEC. 8. Section three hundred and fifty-nine is hereby amended so as to read as follows:

Section 359. An appeal may be taken to the Supreme Court from a final judgment of the County Court:

Firstly—In an action of forcible entry and detainer; in an action to prevent or abate a nuisance; in a proceeding in insol-

**Appeal from
County Court
to Supreme
Court.**

vency; in an action wherein the legality of any tax, impost, assessment, toll, or municipal fine is in question; and in any special case within the appellate jurisdiction of the Supreme Court over which the Legislature may require said County Court to exercise jurisdiction.

Secondly—From an order granting or refusing a new trial; from an order granting or dissolving, or an order refusing to grant or dissolve an injunction; and from any special order made after final judgment in the cases in this section before enumerated.

SEC. 9. Section three hundred and sixty is hereby amended so as to read as follows:

Section 360. Security shall be given upon such appeals in ^{Security upon appeals} the same manner, to the same extent, and with the same effect, as in appeals to the Supreme Court from the District Court from judgments or orders of a similar character, and like justification on the part of the sureties may be required.

SEC. 10. Section four hundred and ninety-five is hereby amended so as to read as follows:

Section 495. Costs shall be allowed of course to the plaintiff upon a judgment in his favor in the following cases:

Cases in
which costs
shall be
allowed to
plaintiff.

First—In an action for the recovery of real property;

Second—In an action to recover the possession of personal property, when the value of the property amounts to three hundred dollars or over. Such value shall be determined by the jury, Court, or referee, by whom the action is tried;

Third—In an action for the recovery of money or damages, where plaintiff recovers three hundred dollars or over;

Fourth—In a special proceeding in the nature of an action.

SEC. 11. Section four hundred and ninety-eight is hereby amended so as to read as follows:

Section 498. In other actions than those mentioned in section four hundred and ninety-five, costs may be allowed or not; and if allowed, may be apportioned between the parties on the same or adverse sides in the discretion of the Court; but no costs shall be allowed in an action for the recovery of money or damages when the plaintiff recovers less than three hundred dollars, nor in an action to recover the possession of personal property when the value of the property is less than three hundred dollars.

Apportion-
ment of costs

SEC. 12. Section two of an Act entitled an Act to regulate appeals in this State, approved May twentieth, eighteen hundred and sixty-one, is hereby repealed as to all proceedings which may be had after this Act takes effect.

CHAP. DCXX.—An Act to amend an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and the Act amendatory thereto, passed February fifteenth, eighteen hundred and sixty-four.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The twenty-fifth section of the Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, as amended by an Act passed February fifteenth, eighteen hundred and sixty-four, is amended so as to read as follows:

Recorded conveyance to impart notice.

Section 25. Every such conveyance or instrument of writing acknowledged, or proved and certified, and recorded in the manner prescribed by this Act, and every patent to lands within this State, duly executed and verified according to law, and recorded as provided for in this Act, shall, from the time of filing the same with the Recorder for record, impart notice to all persons of the contents thereof, and subsequent purchasers, mortgagees, and lien holders shall be deemed to purchase and take with notice; *provided*, that such records shall not impart notice to a purchaser at a sale made under and in pursuance of a mortgage foreclosure, decree, and order of sale, if notice of the pending of the action shall have been filed in the Recorder's office of the county in which the land is situated at the time of the commencement of the action or before the execution of such conveyance, unless such conveyance or instrument of writing shall have been filed for record, as in this Act provided, prior to the commencement of the action in which said decree and order of sale is entered.

Proviso.

SEC. 2. This Act shall take effect immediately.

CHAP. DCXXI.—An Act concerning oyster beds.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Discoverer may appropriate.

SECTION 1. It shall be lawful for any person, persons, or company, who shall discover any oyster bed or cove of natural growth in the bays, coast, or inlets of this State, or in the waters or flats adjoining the same, or upon any of the lands belonging to this State, to appropriate the same to their own use and benefit, in accordance with the provisions of this Act.

Shall stake off and file description of claim.

SEC. 2. Within ten days after such discovery it shall be the duty of the parties locating such bed or cove to stake off the same, and file a description of the territory embraced in their claim in the county or counties wherein the same is made, and

from and after that date the parties shall be protected in the same and be deemed to have the exclusive right and title of the State to the use of the lands upon which such discovery has been made, for the purpose of removing, sale, and use of the oysters or shell fish so found; *provided*, that no person shall be allowed to locate over ten acres upon such oyster bed, nor shall such claim be continued for a period of over three years from the date of its location.

SEC. 3. Any person infringing upon the rights of the parties, or shall interfere with such location, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty nor more than three hundred dollars for each and every offence, and shall in addition thereto be answerable in an action for trespass for all damages that may be sustained by the location [locator].

SEC. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. DCXXII.—*An Act to regulate the rates of fare, and paving, on certain street railroads in the City and County of San Francisco.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Hereafter it shall be lawful for the Omnibus Railroad Company, as the assignee of the rights, franchises, and privileges granted to Michael Skelly and others, by an Act to provide for a railroad within the City and County of San Francisco, passed April seventeenth, eighteen hundred and sixty-one, and Acts supplementary thereto or amendatory thereof; and for the North Beach and Mission Railroad Company, as the assignee of the rights, franchises, and privileges granted to Robert Allen and others, by an Act to provide for street railroads within the City and County of San Francisco, passed April seventeenth, eighteen hundred and sixty-one, and Acts supplementary thereto or amendatory thereof; and also of those granted to Charles M. Hitchcock and others, by an Act to grant certain persons the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon, passed April seventeenth, eighteen hundred and sixty-one, and Acts supplementary thereto or amendatory thereof; and for the Central Railroad Company, as the assignee of the rights, franchises, and privileges granted to A. J. Pope and others, by an Act to provide for a railroad within the City and County of San Francisco, passed April twenty-fifth, eighteen hundred and sixty-two, and Acts supplementary thereto or amendatory thereof; and for the Front Street, Mission, and

Claim good
for three
years.

Penalty for
infringing
on rights.

Railroad
companies
which may
charge fares.

Fares.

Ocean Railroad Company, as the assignee of the rights, franchises, and privileges granted to William F. Nelson and others, by an Act to authorize William F. Nelson and his associates to lay down and maintain a railroad within the City and County of San Francisco, approved April twenty-fifth, eighteen hundred and sixty-three, and Acts supplementary thereto or amendatory thereof, and the successors and assigns of the said companies, or any of them, respectively, to charge for passengers at the following rates: Three tickets, or fares, for twenty-five cents; seven tickets, or fares, for fifty cents; sixteen tickets, or fares, for one dollar; and twenty-five tickets, or fares, for one dollar and fifty cents, for any distance, going or returning, upon any of their several railroads, respectively, within the City and County of San Francisco, in all cases where by any statute of this State the rate of fare has heretofore been fixed on any of their said railroads for any distance, going or returning, at five cents for each passage when two or more passages and tickets for passage are purchased, or at five cents for each passenger—tickets to be furnished in the cars or at the office; *provided*, that at all times one dollar's worth or less shall be supplied to applicants in the cars. Such rates of fare, by this section fixed, shall be in full of the tax or duty levied by Act of Congress upon the gross receipts of said companies and their railroads, and authorized to be added to their rates of fare.

Space between rails
shall be paved, etc.

SEC. 2. All persons or corporations owning, maintaining, or operating railroads heretofore or hereafter constructed in the City and County of San Francisco, for the transportation of passengers in cars drawn by horses, shall keep the space between the rails in thorough repair by paving, planking, or macadamizing the same, as required by the Board of Supervisors of said city and county; but shall not be required to pave, plank, or macadamize any portion of the street outside of the track of such road; and in all contracts for street work the contractor shall pave, plank, or macadamize the entire width of the street or parts of a street let, except that portion between the rails of any street railroad above referred to.

SEC. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. DCXXIII.—*An Act to amend section one hundred and twenty-one of the Act of May first, eighteen hundred and fifty-one, entitled an Act to regulate the settlement of the estates of deceased persons.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and twenty-one of the Act of May first, eighteen hundred and fifty-one, the title of which

is recited in the title of this Act, is hereby amended so as to read as follows:

Section 121. Upon the return of the inventory, or at any subsequent time during the administration, the Court, or Probate Judge, may, of his own motion, or on application, set apart for the use of the family of the deceased all personal property which is by law exempt from execution, and the homestead, as designated by the general homestead law, or if no homestead has been so designated, then one shall be set apart as provided by section one hundred and twenty-four of this Act, whether the same has been recorded and dedicated as such or not; *provided*, that no lien or encumbrance upon such homestead premises shall be in any way affected by any of the provisions of this Act.

SEC. 2. This Act shall take effect upon its passage.

CHAP. DCXXIV.—An Act to authorize the Exempt Fire Company, of San Francisco, to receive and manage the San Francisco Fire Department Charitable Fund, and receive from the City and County of San Francisco a house and lot for its use.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Directors of the Exempt Fire Company, of the City and County of San Francisco, shall succeed and be entitled to the fund of the San Francisco Fire Department Charitable Fund, and said fund is hereby transferred and vested in said Directors of the Exempt Fire Company aforesaid. And the Trustees of the San Francisco Fire Department Charitable Fund are empowered and directed to make, execute, and deliver all transfers and assignments necessary to completely and fully vest said fund in the Directors of the Exempt Fire Company, who are authorized to loan the same only on real estate security situate in the said City and County of San Francisco; and they are directed and required to manage and employ said fund for the charitable uses and objects for which said fund was created, and none other.

SEC. 2. The Board of Supervisors of the City and County of San Francisco are authorized to allow said Exempt Fire Company to occupy and use, rent free, any suitable building belonging to said city and county, for such time and upon such lease or agreement as said Board may direct.

SEC. 3. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect immediately.

CHAP. DCXXV.—An Act to extend the time for the erection of certain gas works in the City and County of San Francisco.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time for completion extended.

SECTION 1. The time allowed to A. W. Von Schmidt and others, by the provisions of an Act entitled an Act to authorize A. W. Von Schmidt and his associates to lay down gas pipes in the City and County of San Francisco, approved April twenty-second, eighteen hundred and sixty-three, for the performance of certain things mentioned and specified in the second section of said Act, is hereby extended for the period of two years from and after the passage of this Act; *provided*, that the said A. W. Von Schmidt and his associates shall not sell or convey their interest in this franchise to any other gas company; and, *provided*, further, that said grantees shall not charge more than five dollars per each one thousand cubic feet of gas.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Exemption from military and jury duty.

CHAP. DCXXVI.—An Act to provide for the exemption of the members of the San Francisco Fire Department from military and jury duty.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All persons who on the first day of December, A. D. one thousand eight hundred and sixty-five, were active certificate members of the San Francisco Fire Department, shall be exempted from military and jury duty; *provided*, that no such person shall receive the benefits of exemption under this Act unless he shall continue to serve faithfully as an active member of said fire department until the paid fire department shall be organized and in operation, or until he shall have served five years as an active certificate member of said fire department as now provided by law.

SEC. 2. This Act shall take effect immediately.

CHAP. DCXXVII.—An Act supplemental to and amendatory of an Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Act to which this is supplemental and amendatory of shall no longer have any force or effect, so far as the parties to civil suits are concerned, but shall remain in full force and effect so far as it applies to attorneys at law. Act void as to parties to civil suits.

CHAP. DCXXVIII.—An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front in the City and County of San Francisco.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of State Harbor Commissioners are hereby authorized and empowered to lease for the term of fifteen years, in the manner provided for in section five of an Act entitled an Act amendatory of and supplementary to an Act to provide for the improvement and protection of the wharves, docks, and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three, approved March fifth, eighteen hundred and sixty-four, all that portion of the water front in the City and County of San Francisco fronting on South Beach, Water Blocks Numbers Seven and Eight, that is, the outer seventy-five feet of First street fronting on said blocks, and the outer seventy-five feet of Townsend street fronting on said Block Eight, together with the right and privilege of constructing and occupying during the term of said lease a wharf along the lines of Townsend street, projected northeastward according to its present course outside and seaward of said water front, to such distance as the lessee thereof may deem advisable, but not beyond the outer line of the jurisdiction of said Board of State Harbor Commissioners; *provided*, that the rent reserved by said lease shall not, after January first, eighteen hundred and sixty-eight, be less than twelve hundred and fifty dollars per month, payable in United States gold coin.

SEC. 2. Whenever the portion of the water front and wharf described in section one of this Act are completed and ready for use, the lessee thereof shall have the right to collect such rates of dockage, wharfage, and tolls as may be from time to time fixed by said State Harbor Commissioners, which rates shall be Lessee may collect wharfage, tolls, etc.

neither more nor less than those then established and collected upon the wharves and portions of the water front under their control.

Dredging
repairs, etc.

SEC. 3. During the period of said lease the lessee thereof shall keep the aforescribed portion of said water front, and also said Townsend street wharf, when built, constantly dredged to a depth sufficient to admit of the easy ingress and egress of steamships or vessels loading and unloading thereat, and shall also keep all wharves, piers, and landings that may be constructed under such lease in good repair, order, and condition; and at the expiration of said lease shall quietly and peaceably surrender and deliver all said wharves, piers, and landings, free of all liens, charges, or encumbrances, to the said Board of State Harbor Commissioners, or to such other person, persons, or bodies as by law may be authorized to receive the possession of the same for and in behalf of the State of California.

Right to
construct
sea walls
reserved.

SEC. 4. Nothing in this Act contained shall be construed to deprive the Legislature of this State of the right to provide for the construction of a sea wall or other structure along that part of the water front of San Francisco described in the first section of this Act.

Repeal.

SEC. 5. All Acts and parts of Acts inconsistent with the provisions of this Act, so far as they apply to the portion of the water front and wharf described in section one of this Act, are hereby repealed.

SEC. 6. This Act shall take effect immediately.

CHAP. DCXXIX.—*An Act to amend an Act entitled an Act to provide for the issuance of patents to lands located with State school land warrants, and for lands purchased under the Act of April twenty-third, one thousand eight hundred and fifty-eight, approved April sixteenth, one thousand eight hundred and fifty-nine.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

Register's
certificate of
proper loca-
tion of war-
rants, or of
payment in
full, etc.

Section 3. Upon the production of the evidence required in section two of this Act, the Register of the State Land Office shall issue to the applicant his certificate of the proper location of such warrant upon the tract or tracts of land described in such location, or if a holder of a certificate of purchase, that all the principal and interest due thereon has been paid, and that the applicant is entitled to receive a patent for the land described in the location of said warrant or in said certificate of purchase; but no such certificate shall issue from the State Land Office until satisfactory evidence has been produced in cases of warrant locations that warrant has been cancelled or has been forwarded to the Land Office at Washington, and the

Proviso.

land has been certified over to the State, or that the warrant or certificate of purchase has been surrendered to the Register of the State Land Office, and cancelled.

SEC. 2. An Act with the same title as this Act, approved April tenth, one thousand eight hundred and sixty, is hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. DCXXX.—An Act granting to roads and highways a right of way over the public lands of this State.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any corporation, company, or individual shall, in accordance with the general laws of this State lay out and construct any road or highway over any unoccupied public lands of this State, or over any lands that the State by donation of Congress or otherwise may hereafter acquire, such corporation, company, or individual, and their respective assigns, are hereby granted the right of way for such roads or highways over such public lands. This Act shall apply to roads heretofore as well as hereafter laid out and constructed.

CHAP. DCXXXI.—An Act for the protection of game in Siskiyou County.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall not be lawful for any person or persons in Siskiyou County to take, kill, or destroy any of the following game within the times specified herein, as follows: Grouse, sage hen, or prairie chicken, between the first day of April and the first day of August; quail, between the fifteenth day of March and the fifteenth day of October; mallard duck, wood duck, teal duck, spoonbill duck, and all other species of wild duck, between the fifteenth day of April and the fifteenth day of September of each year; and elk, deer, antelope, or mountain sheep, between the first day of February and the first day of August of each year; and it shall be lawful to take, kill, and destroy said game in Siskiyou County at all times and seasons not prohibited by this Act.

Killing of
game pro-
hibited in
certain
seasons.

SEC. 2. Any person or persons offending against either of the provisions contained in the preceding section, or who shall

Penalty for killing, buying, selling, etc. buy or sell, or expose to be sold any such game above enumerated, or have any of the same in their possession within the time or times therein specified, except such as are tamed and kept for show or curiosity, shall be fined in the sum of twenty-five dollars for each and every grouse, prairie chicken, quail, mallard duck, wood duck, teal duck, spoonbill duck, or wild duck of any other species, elk, deer, antelope, or mountain sheep so taken, killed, or destroyed, bought or sold, or exposed to be sold, or in possession.

Justices to take cognizance of offences. SEC. 3. It shall be the duty of any Justice of the Peace to take cognizance of any and of all offences against any of the provisions of this Act, and all suits thereunder shall be prosecuted in the name of the people of the State of California against the person or persons offending.

Disposition of fines. SEC. 4. The fines imposed by this Act shall be paid one half to the informer, and one half into the County Treasury to the credit of the School Fund of the county.

Repeal. SEC. 5. All Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed so far as they relate to Siskiyou County.

SEC. 6. This Act shall be in force from and after its passage.

CHAP. DCXXXII.—*An Act in relation to the purchase and sale of State bonds.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Board of Examiners authorized to make proposals for purchase of bonds.

SECTION 1. Whenever on the first day of January or July in any year the Treasurer of State shall advertise, as required by law, for the surrender of civil bonds issued under the Acts of eighteen hundred and fifty-seven and eighteen hundred and sixty, the Board of Examiners, composed of the Governor, the Secretary of State, and the Attorney-General, are hereby authorized and empowered to make proposals to the State Treasurer for the surrender of State bonds issued under the provisions of the Act named herein. Said proposals shall be made in accordance with law, and shall be received by the Treasurer of State in the same manner and under the same restrictions as if received from individuals; and if upon the opening of said proposals it is found that the Board of Examiners have submitted the lowest proposals, not exceeding par value, as will redeem the greatest amount of bonds, then it shall be the duty of the Treasurer of State to accept the proposals of the said Board in accordance with the provisions of his advertisement.

If proposal is accepted payment to be made in civil bonds of 1867.

SEC. 2. If at any time proposals for the surrender of bonds shall be made by the Board of Examiners, and accepted by the Treasurer of State, as provided in section one of this Act, it shall be the duty of the said Board, and they are hereby authorized and empowered to take from the civil bonds of eighteen hundred

and fifty-seven, or eighteen hundred and sixty, deposited in the State Treasury to the credit of the School Fund, a sufficient amount of State bonds to make up the sum proposed to be surrendered, and deliver them to the Treasurer of State, whose duty it shall be to receive and cancel the same. And it shall be the duty of the Treasurer of State, and he is hereby authorized and empowered to set aside to the credit of the said Board of Examiners the amount to which they are entitled in accordance with their proposals, in gold coin, to be used and applied by the said Board as provided in section three of this Act, and for no other purpose whatever.

SEC. 3. Whenever the Board of Examiners shall make proposals for the surrender of bonds, and the Treasurer of State shall accept such proposals, and pay for said bonds as provided in sections one and two of this Act, it shall be the duty of the said Board to apply all the moneys so received to the purchase of State bonds issued under an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds, to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, eighteen hundred and sixty-four; and all the bonds so purchased shall be deposited by the said Board in the State Treasury to the credit of the School Fund of this State, and shall be marked "School Fund," as required by law.

SEC. 4. This Act shall take effect and be in force from and after its passage, and shall continue in force until all the bonds provided by the Bounty Act, approved April fourth, eighteen hundred and sixty-four, shall have been sold; *provided*, that when all of said bounty bonds shall have been disposed of in accordance with the Act providing for their issue, then and from that date the provisions of this Act shall cease, and all the duties and powers prescribed herein shall be fully abrogated.

CHAP. DCXXXIII.—*An Act concerning trout in Siskiyou County.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be and is hereby declared to be lawful to fish for and catch trout with hook and line in Siskiyou County at all times and seasons of the year.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed so far as they relate to Siskiyou County.

SEC. 3. This Act shall be in force from and after its passage.

CHAP. DCXXXIV.—*An Act prescribing a rule for computing folios of printed translations made under authority of law, and for establishing a standard for copying by folio.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Rule for computing folios.

SECTION 1. All claims for the translation of laws and documents to be paid for by the folio from the State Treasury, when such translations are printed, shall be audited upon a computation of folios in print by actual count of words upon a sufficient number of pages of each kind of type in which the matter may be printed, to afford a just basis of computation for the entire work, allowing one hundred words to count as one folio, and counting three figures as one word, but no punctuation points shall be counted in any computation of folios; and all copying shall be computed at one hundred words for a folio, three figures counting as one word, excluding from count all punctuation points.

SEC. 2. Any Acts or parts of Acts in conflict with this Act are hereby repealed.

CHAP. DCXXXV.—*An Act fixing the salary of the County Assessor of Butte County.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary.

SECTION 1. The salary of the present incumbent of the office of County Assessor in and for the County of Butte shall be twenty-five hundred dollars per annum, dating from the time he entered upon the duties of his office for the present term.

SEC. 2. All Acts and parts of Acts so far as they are in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. DCXXXVI.—*An Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to change the grades of certain streets in said city and county.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to

change, alter, or modify the present grade of the following streets in said city and county, namely: Second street, from its intersection with Bryant street to the southern portion of the water front of said city and county; Brannan street, between Second and Third streets, and from Second street to the eastern portion of the water front of said city and county; Townsend street, between Second and Third streets, and from Second street to the eastern portion of the water front of said city and county.

SEC. 2. The changes, alterations, or modifications authorized by section one of this Act shall be made only upon written petitions signed by the owners of more than two thirds of the property on each block fronting on the streets or portions of streets to be affected thereby; *provided*, that the grade of any one of the streets or parts of streets designated in section one may be changed, altered, or modified upon the petition of the owners of more than two thirds the property on each block fronting on such street or portion of streets.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. DCXXXVII.—*An Act to revive, re-enact, and continue in full force and effect an Act entitled an Act to fund the debt of the County of San Diego, and provide for the payment of the same, approved May fourth, eighteen hundred and fifty-five.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act entitled an Act to fund the debt of the County of San Diego, and provide for the payment of the same, approved May fourth, eighteen hundred and fifty-five, is hereby revived, re-enacted, and continued in full force and effect in regard to the indebtedness of said county existing at the time of the passage of said Act, for the period of ten years from the date of the passage of this Act.

SEC. 2. The duties prescribed in said Act to be performed by the County Judge, County Treasurer, and County Auditor, and Board of Supervisors of said County of San Diego, shall continue to be performed by said officers respectively during the term herein specified, substituting dates to correspond with this revival, re-enactment, and extension of said Act, for the performance of duties at stated times.

SEC. 3. All official acts strictly in conformity with the provisions of said Act hereby revived, re-enacted, and extended by this Act, shall be legal and valid.

SEC. 4. This Act shall take effect immediately.

CHAP. DCXXXVIII.—An Act to provide for the collection of the revenue in and for the County of Mendocino.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Tax Collector. SECTION 1. The Sheriff in and for the County of Mendocino shall be ex officio Tax Collector in and for said county.

Act made applicable. SEC. 2. The Act approved May seventeenth, A. D. one thousand eight hundred and sixty-one, entitled an Act to provide revenue for the support of the government of this State, and all Acts amendatory thereof and supplemental thereto, are hereby made applicable to the County of Mendocino. And the revenue in and for said county shall be in all manner collected in pursuance of and as prescribed in said Act.

Collection of revenue. SEC. 3. The Act entitled an Act to authorize the County Treasurers of the Counties of Napa, Lake, and Mendocino, to collect and receive certain public moneys as revenue, approved February twenty-ninth, A. D. one thousand eight hundred and sixty-four, so far as the same applies to the County of Mendocino, is hereby repealed.

Repeal. SEC. 4. This Act shall take effect on the first Monday in March, A. D. one thousand eight hundred and sixty-six.

CHAP. DCXXXIX.—An Act to amend an Act entitled an Act concerning the collecting of poll taxes, license taxes, and foreign miners' licenses, in the County of Sierra, approved April ninth, eighteen hundred and sixty-two.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of said Act is hereby amended so as to read as follows:

Settlement with Auditor. Section 8. Each Constable and Collector shall, on the first Monday of each month, excepting the months of January, February, and March, make a final settlement with the County Treasurer and County Auditor. He shall first pay over all moneys collected by him, less his fees for collection, to the County Treasurer, and take from said Treasurer a receipt, showing the total receipts by him on account of foreign miners' licenses, poll tax, and State and county licenses, and the amount received by said Collector from each of said sources; and that the Constable and Collector has returned all State and county licenses, foreign miners' licenses, and poll tax receipts undisposed of, and settled and paid in cash for all such as he has not returned, which receipt the said Constable and Collector shall deliver to the County Auditor; and if said Auditor shall find

that said Constable and Collector has accounted to the County Treasurer for all State and county licenses, foreign miners' licenses, and poll tax receipts received by him prior to such settlement, and has paid over to such Treasurer all moneys collected by him on account thereof, he shall give to the said Constable and Collector a receipt in full; after which, the Treasurer and Auditor shall deliver to said Constable and Collector so many State and county licenses, foreign miners' licenses, and poll tax receipts as may be required by him, not to exceed in all the sum of three thousand dollars.

SEC. 2. Section fourteen of said Act is hereby amended so as to read as follows:

Section 14. The Constable and Collectors named in this Act shall be subject to all the laws governing the collection of State and county licenses, foreign miners' license, and poll tax, in this State; he shall also have power to appoint one or more deputies, who shall have the same power as their principals; provided, however, that when a Constable and Collector has one or more acting deputies, the deputy or deputies shall, together, on settlement take the oath prescribed in section ten of this Act, substituting "we" for "I," and "us" for "me," wherever "I" or "me" occurs in said oath, and that the said Constable and Collector and his deputies or deputy shall be liable to all the penalties of this Act, and of the Act of this State for the collection of State and county revenue.

SEC. 3. This Act shall be in force from and after its passage.

CHAP. DCXL.—An Act amendatory of and supplemental to an Act entitled an Act to provide for a railroad within the City and County of San Francisco, passed April seventeenth, eighteen hundred and sixty-one, and the Act amendatory thereof, passed March twenty-eighth, eighteen hundred and sixty-three.

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The right is hereby granted to the Omnibus Railroad Company, being the assignee of the parties named as the grantees of an Act entitled an Act to provide for a railroad within the City and County of San Francisco, passed April seventeenth, eighteen hundred and sixty-one, to which this Act is supplementary and amendatory, to lay down and maintain within said City and County of San Francisco, in extension and completion of its railroad as now existing, an iron railroad with a single or double track, with all the necessary switches, side tracks, and turnouts, as follows: From and connecting with the Route. said company's railroad on Third street at Market, thence on and along said Market street, crossing the same at any convenient point, to and connecting with its railroad on Montgomery street; and in connection therewith to lay down a track in

Route. addition to the single track now laid down on Third street from Market to Howard streets; also, from and connecting with its railroad on Jackson street at Dupont street, thence on and along Dupont street to Pacific street, thence on and along Pacific street to and connecting with its railroad on Stockton street; *provided*, the right to use Jackson street from Dupont to Stockton street shall be relinquished; also, from and connecting with its railroad on Center street at Dolores street to the westerly terminus of Center street, whenever the same shall be opened and extended thereto; also, from and connecting with its railroad on Center street at Howard street, on and along Howard street, when the same is opened, to the southerly limits of said city and county; also, by a single track from and connecting with its railroad on Third street at Clementina or Tehama street, as the company shall elect, on or along either of said streets to and connecting with the company's stables and depot on said Tehama and Clementina streets; and, also, to connect its railroad on Howard street, at a place where Howard and Third streets intersect each other; and to run and maintain cars thereon in all respects as on the tracks now laid down and used by said company, with all the rights, privileges, immunities, and liabilities granted and provided by the said Act of April seventeenth, eighteen hundred and sixty-one, and the said Act of March twenty-eighth, eighteen hundred and sixty-three.

Period for completion of work.

SEC. 2. The right granted in section one of this Act to the said company of laying down and maintaining a railroad, in extension and completion of its railroad as now existing, upon certain streets, and from and to certain points therein mentioned, is upon the condition that the said railroad shall be completed upon said streets and between said points, at least upon a single track, within one year from and after May first, eighteen hundred and sixty-six; and said period of one year is hereby granted to said company within which to complete the same, except on Center and Howard streets, and on those streets within two years after they are respectively opened and extended; and on failure to complete the work as herein provided, the rights and privileges herein granted shall be forfeited.

Right given to future companies to use portion of track.

SEC. 3. If any other railroad company or individual shall at any time obtain the right to construct a railroad track on any portions of the streets herein named, such other company or individual shall have the right to use the rails of the grantees only on those portions of streets herein named, on not exceeding five blocks, upon paying one half of the expense of constructing and maintaining the railroad on that portion of the track so used; *provided*, that nothing in this Act shall be so construed as to allow any person or persons, or corporation, to use or run cars on any of the tracks or route of the Omnibus Railroad Company now completed.

Proviso.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. DCXLI.—*An Act to create the Sixteenth Judicial District.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Fifth Judicial District of this State is hereby divided, and the Sixteenth Judicial District created. The Counties of San Joaquin and Tuolumne shall remain and hereafter constitute the Fifth Judicial District, of which the Judge thereof shall remain and be the Judge. The Counties of Alpine, Mono, Inyo, and Kern, shall constitute the Sixteenth Judicial District, for which a District Judge shall be appointed and elected as hereinafter provided.

SEC. 2. Suits brought and matters pending in the District Court in the Counties of Alpine, Mono, Inyo, and Kern, shall be heard and determined in the Sixteenth Judicial District as if such matters had been commenced in that district, and the process of the District Court of the Sixteenth Judicial District shall be as effectual for all such purposes as if the same were issued from the Fifth Judicial District.

SEC. 3. The terms of the District Court of the Sixteenth Judicial District, during each year, shall be commenced as follows:

In the County of Alpine, on the first Mondays of March and September;

In the County of Mono, on the first Mondays of April and October;

In the County of Inyo, on the first Mondays of May and November;

In the County of Kern, on the first Mondays of June and December.

The terms of the District Court provided for in this Act shall continue until the time fixed for holding a term in another or the same county in the district, if the business of the Court shall require it.

SEC. 4. At the special judicial election of the year one thousand eight hundred and sixty-seven, and every six years thereafter, a District Judge shall be elected for the Sixteenth Judicial District; and the Judge so elected shall enter upon the discharge of his duties on the first Monday of January after his election.

SEC. 5. The Governor shall appoint immediately after the passage of this Act some suitable person as District Judge of the said Sixteenth Judicial District, who shall hold his office until the election and qualification of his successor, as provided in this Act.

SEC. 6. The District Judge of the Sixteenth Judicial District shall receive the sum of four thousand dollars per annum, payable in the same manner as the salaries of other District Judges of the State.

SEC. 7. The sum of eight thousand dollars is hereby appropriated out of the General Fund for the payment of the salary of the District Judge of the Sixteenth Judicial District.

SEC. 8. This Act shall take effect from and after its passage.

County prisoners' board. SEC. 2. For the boarding and lodging of county prisoners, and supplying them with such clothing as may be necessary, and for all the care and attention it may be necessary for said Sheriff to bestow upon them, he shall receive such compensation as may be deemed reasonable by the Board of Supervisors.

CHAP. DCXLVII.—*An Act amendatory of and supplementary to an Act entitled an Act to establish a paid fire department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time when
Act shall
take effect.

SECTION 1. The time when the fire department organized under the Act to which this Act is amendatory and supplementary shall go into active operation shall be on the first Monday of December, eighteen hundred and sixty-six, instead of July first, as provided in section three of said Act.

SEC. 2. Section five of said Act is hereby amended so as to read as follows:

Term of office
of officers.

Section 5. The Chief Engineer and two Assistant Engineers shall be appointed by the Fire Commissioners at least thirty days before the first Monday of December, eighteen hundred and sixty-six, whose term of office shall be two years from the first Monday of December, eighteen hundred and sixty-six, and until their successors are appointed, and who shall be appointed every two years thereafter, their appointment and removal to be confirmed by the Supervisors. The subordinate officers and extra men shall be appointed by the Fire Commissioners, and in case of misbehavior or neglect of duty on the part of any officer or extra man of the fire department, the said Commissioners shall have power to remove them under such regulations as the Supervisors may prescribe.

SEC. 3. Section twelve of said Act is hereby amended so as to read as follows:

When new
organization
shall go into
operation.

Section 12. This Act shall take effect immediately, so that the paid fire department herein provided for and established may be fully organized prior to the first Monday of December next, at which time, and not before, except in the contingency provided for in section seven of this Act, said paid fire department shall go into full operation and supersede the present organization of the fire department, and thereupon the Act entitled an Act to regulate the fire department of the City and County of San Francisco, approved March twenty-fifth, eighteen hundred and fifty-seven, and all Acts supplementary or amendatory thereof, shall be repealed; and until the said first Monday of December, eighteen hundred and sixty-six, the present fire department of said city and county shall continue under the present laws and organization, except as in this Act

Repeal.

Salaries to
continue.

excepted; provided, the salaries of the Chief and Assistant Engineers and the Secretary shall be paid until December fifteenth, eighteen hundred and sixty-six, on condition that they continue faithfully to perform such duties, and none others, as may be required of them by the Board of Supervisors in protecting the property of the fire department and in establishing and carrying into effect the provisions of this Act.

SEC. 4. Section thirteen of said Act is hereby stricken out and repealed.

CHAP. DCXLVIII.—*An Act to provide for relocating the county seat of the County of Marin by the qualified voters of said county.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The question of relocating the county seat of Marin County shall be submitted to a vote of the qualified electors of said County of Marin and determined as herein provided. Question to be submitted to voters.

SEC. 2. Whenever a number of the legal voters of said county equal to a majority of the number of votes cast in said county at the last preceding general election for State and county officers shall petition the Board of Supervisors of said county at a regular meeting of said Board to order an election for the purpose mentioned in section one of this Act, the said Board of Supervisors shall, at said regular meeting, order an election therefor, to be held at the usual polling precincts of said county, and to be conducted and returns thereof made in all respects in accordance with the laws governing elections, except as may be herein otherwise provided. Election to be ordered on petition.

SEC. 3. The election herein provided for shall be fixed by said Board for a day not less than thirty nor more than sixty days from the day on which the order therefor shall have been made, and notice of the same shall be given in the manner provided by law for giving notice of elections. Time and notice.

SEC. 4. Each person voting for the removal of the county seat shall have written or printed on his ticket the words "For removal," also the name of the place at which he desires the county seat to be located; and each person voting against removal of the county seat shall have written or printed on his ticket the words "Against removal." Voting and ballots.

SEC. 5. If, upon return and canvass of the votes cast at the election provided for by this Act, it appear that a majority of all the votes cast are against removal, an entry thereof shall be made on the records of the Board, and no further proceedings shall be had under this Act; but should it appear from such canvass that a majority of all the votes cast at said election are for removal, and that any one place voted for has received a majority of all the votes cast, the Board of Supervisors shall order an entry to be made upon the records of the Board declar-

Result of election, and location of county seat.

Notice to
be given.

When new
election may
be ordered.

Manner of
conducting
second
election.

Location
of county
buildings.

In case of
removal,
present
county seat
to remain as
such until
erection of
Court House
and Jail.

Removal of
archives, etc.

ing such place to have been duly selected as the county seat of Marin County, and such place shall be the county seat of Marin County; and said Board shall give public notice thereof by causing the result to be published in the *Marin County Journal* once a week for four weeks, and the Clerk shall transmit a certified statement of the canvass, under his official seal, to the Secretary of State.

SEC. 6. But should it be found, upon a canvass of the votes cast at such election, that a majority of all the votes cast were for removal, but that no one place voted for has received a majority of all the votes cast, then and in that case the Board of Supervisors shall order an entry to be made accordingly on the record of their proceedings, and shall immediately order another election, to be held upon a day to be fixed by said Board, not less than two nor more than five weeks from the time of completing the canvass of the votes of the first ordered election, and shall cause notice thereof to be given as prescribed by law.

SEC. 7. The second election herein provided for shall be conducted in the same manner as the said first election, except that each person voting at said second election shall have written or printed upon his ticket the name of one of the two places which received the greatest number of votes at the first ordered election, and no vote cast for any other place shall be counted by the Board when canvassing the votes, nor be reckoned or estimated by said Board in making up the result; and whichever of said two places shall receive the greatest number of votes at said second election shall be the county seat of Marin County, and the Board shall order an entry to be made upon the record of the proceedings of the Board, declaring such place to have been duly selected as the county seat of Marin County; and the Board shall thereupon give the notice and the Clerk transmit the statement provided for in section five of this Act.

SEC. 8. Should the place known as Nicasio in said county be selected as the county seat of Marin County by any election held under this Act, the Board of Supervisors shall have the power to locate the county buildings at any point within two miles from Jackman's Hotel; and should the place known as Olema in said county be selected as the county seat of said county at any such election, the Board of Supervisors shall have the power to locate the county buildings at any point within two miles from Winslow's Hotel.

SEC. 9. Should the county seat of Marin County be removed at any election held under the provisions of this Act, the present county seat shall be and remain the county seat of said county for all purposes until the erection of a Court House and Jail at the place selected as and for the county seat of said county under this Act; *provided*, such Court House and Jail shall be completed within three years from and after the passage of this Act; and upon the completion of said Court House and Jail, or at the expiration of said three years, if said Court House and Jail shall not have been completed, the Board of Supervisors shall cause the archives, county records, books, papers, and all other public property of said county to be removed to the place selected as the county seat of said county under this Act, except the present county buildings and the lots upon which they are situated,

which shall be sold by the said Board of Supervisors in the manner provided by law; and the proceeds thereof may be applied by said Board in their discretion to the payment of the costs and expenses of erecting new county buildings.

SEC. 10. All the laws governing general elections and the qualifications of voters, and all the penalties attached or pertaining thereto, shall be applicable to the elections provided for in this Act, except as hereinbefore otherwise provided. Laws made applicable.

SEC. 11. All Acts or parts of Acts inconsistent or conflicting with the provisions of this Act are hereby repealed.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAP. DCXLIX.—*An Act concerning the translation of executive reports.*

[Approved April 2, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All translations of the biennial executive reports shall be made under such provisions as the Legislature may enact, and no claim for translating such reports shall be audited or allowed except under the provisions of such enactment. Translations of reports.

CHAP. DCL.—*An Act to authorize Ellen Stockmon, administratrix of the estate of D. E. Stockmon, deceased, and guardian of Florence Stockmon, and Ralph Stockmon, minor heirs of said D. E. Stockmon, to sell certain land of said estate.*

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Ellen Stockmon, administratrix of the estate of D. E. Stockmon, deceased, and guardian of Florence Stockmon, and Ralph Stockmon, minor heirs of said D. E. Stockmon, deceased, is hereby authorized, under the direction of the Probate Judge, to sell at public or private sale, all or any part of the interest of said estate, or of said minor heirs in and to that tract of land known as the northwest quarter of Section Number Thirty-Six, (36,) in Township Number Five (5) North, Range Number Two West, of Mount Diablo Meridian, according to the United States survey of public lands. Authority to sell.

SEC. 2. Said Ellen Stockmon is hereby authorized to sell and convey the same in such parcels and quantities, and for cash or credit, as in her judgment will best promote the interest of said estate and of the minor heirs mentioned in this Act; and she is further authorized to compromise and settle all claims, legal

For cash or credit.

Compromise.

or equitable, against said lands or any parcels thereof in such manner and upon such terms as in her judgment will best promote the interest of said estate and said minor heirs.

Report to
Probate
Judge.

SEC. 3. Upon making any sale or compromise under the terms of this Act, the said administratrix and guardian shall make a full report thereof to the Probate Judge of the County of Solano, and he shall examine the same, and confirm or set aside the said acts, as in other cases of sales of real estate made under order of said Probate Court.

Bonds.

SEC. 4. Before making any sales under this Act, the said administratrix and guardian shall enter into such other and further bonds as may be required by the Probate Judge of Solano County, for the lawful and faithful performance of all acts authorized hereby, and for the faithful accounting and application of the proceeds of all sales made under this Act.

SEC. 5. This Act shall take effect from and after its passage.

This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this second day of April, A. D. eighteen hundred and sixty-six.

JOHN YULE,
Speaker of the Assembly.
T. N. MACHIN,
President of the Senate.

Witness my hand and the Great Seal of State, this second day of April,
A. D. eighteen hundred and sixty-six.



B. B. REDDING,
Secretary of State.

PROPOSED AMENDMENTS

TO THE

CONSTITUTION OF CALIFORNIA.

Report to
Probate
Judge.

Bonds.

or equitable, against said lands or any parcels thereof in such manner and upon such terms as in her judgment will best promote the interest of said estate and said minor heirs.

SEC. 3. Upon making any sale or compromise under the terms of this Act, the said administratrix and guardian shall make a full report thereof to the Probate Judge of the County of Solano, and he shall examine the same, and confirm or set aside the said acts, as in other cases of sales of real estate made under order of said Probate Court.

SEC. 4. Before making any sales under this Act, the said administratrix and guardian shall enter into such other and further bonds as may be required by the Probate Judge of Solano County, for the lawful and faithful performance of all acts authorized hereby, and for the faithful accounting and application of the proceeds of all sales made under this Act.

SEC. 5. This Act shall take effect from and after its passage.

This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this second day of April, A. D. eighteen hundred and sixty-six.

JOHN YULE,
Speaker of the Assembly.
T. N. MACHIN,
President of the Senate.

Witness my hand and the Great Seal of State, this second day of April, A. D. eighteen hundred and sixty-six.

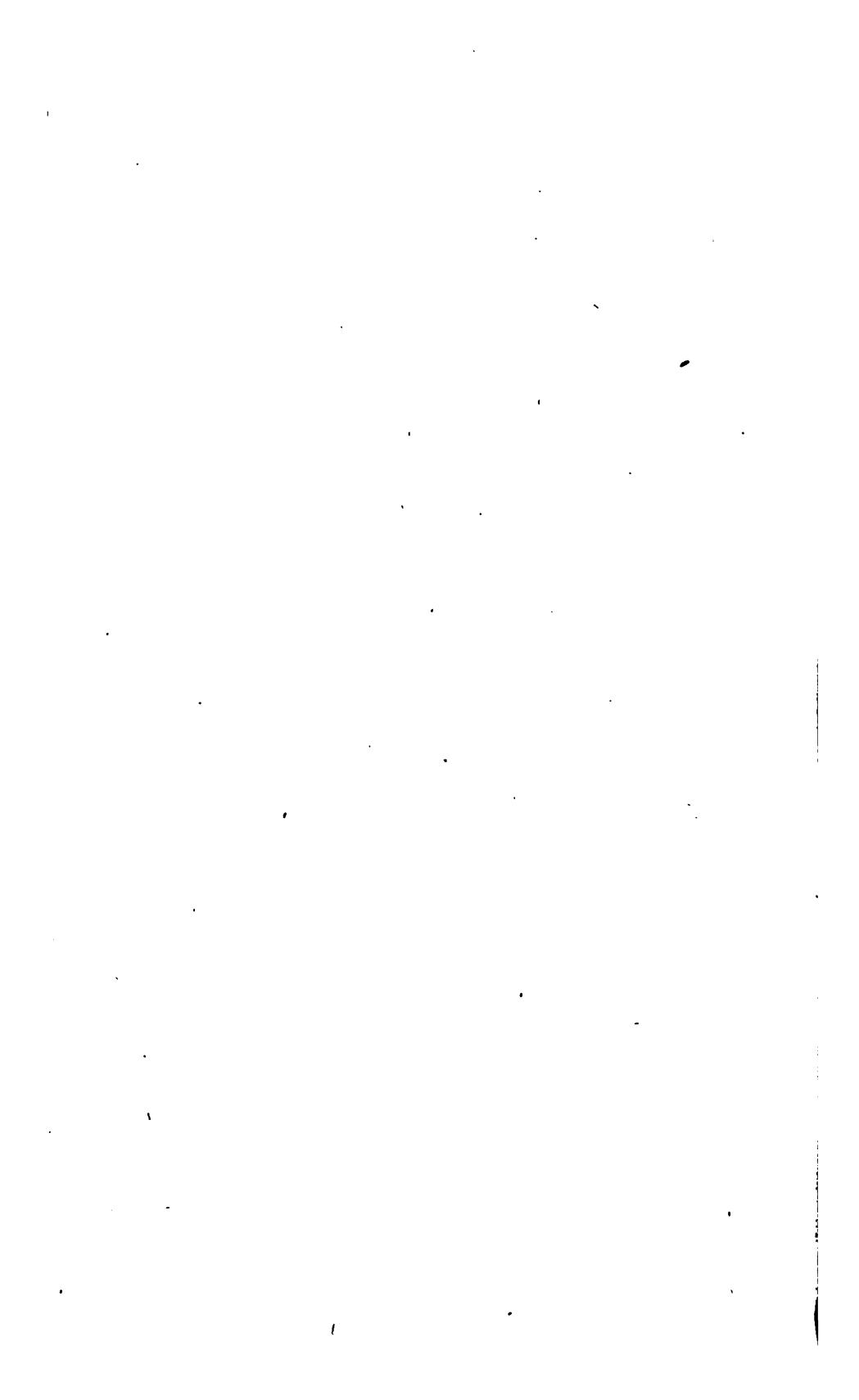
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B. B. REDDING,
Secretary of State.

PROPOSED AMENDMENTS

TO THE

CONSTITUTION OF CALIFORNIA.



AMENDMENTS TO THE CONSTITUTION.

PROPOSED AT THE SIXTEENTH SESSION OF THE LEGISLATURE.

Proposed amendments to the Constitution of the State of California.

[Approved April 2, 1866.]

The Senate and Assembly of the State of California, at the Sixteenth Session of the Legislature, convened in the City of Sacramento, in the years eighteen hundred and sixty-five and eighteen hundred and sixty-six, do propose the following amendments to the Constitution of the State of California:

ARTICLE SIX.

Section three of Article Six of the Constitution is amended so as to read as follows:

Sec. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at the general election provided by law for the election of Governor, members of the Legislature, and other State officers. The Justices shall hold their offices for the term of ten years from the first day of January next after their election, except in case a Justice be elected to fill a vacancy caused by the death, resignation, or inability to act of any one of the Justices of the Supreme Court, in which case the Justice selected shall hold his office during the balance of the unexpired term; *provided*, that the Justices of the Supreme Court in office when this amendment takes effect shall hold office for the full term for which they were severally elected, and thereafter one Justice shall go out of office and his successor be elected every two years; and the Justice having the shortest term shall be the Chief Justice.

Section five of Article Six of the Constitution is amended so as to read as follows:

Sec. 5. The State shall be divided, by the Legislature of the years eighteen hundred and sixty-nine and eighteen hundred and

Amend-
ments.

seventy, into sixteen Judicial Districts, subject to be altered or increased from time to time by a two-third vote of all the members elected to both houses, as the public good may require, in each of which there shall be a District Court, and for each of which a District Judge shall be elected by the qualified electors of the district at the general election at which the Justices of the Supreme Court shall be elected. The District Judges shall hold their offices for the term of six years from the first day of January next after their election; *provided*, that the District Judges in office at the time this amendment shall take effect shall hold their offices for the balance of the term for which they shall have been elected.

Section seven of Article Six is amended so as to read as follows:

SEC. 7. There shall be in each of the organized counties of this State a County Court, for each of which a County Judge shall be elected by the qualified electors of the county at the general election at which the Justices of the Supreme Court shall be elected. The County Judges shall hold their offices for the term of four years from the first day of January next after their election. In any county of this State the Legislature may separate the office of Probate Judge from that of County Judge, and may provide for the election of a Probate Judge, who shall hold his office for the term of four years; *provided*, that the County Judges and Probate Judge in the City and County of San Francisco in office when this amendment goes into effect shall respectively hold their offices for the term for which they were elected.

ARTICLE NINE.

Section one of Article Nine of the Constitution is hereby amended so as to read as follows:

SECTION 1. A Superintendent of Public Instruction shall, at the general election provided by law for State officers and members of the Senate and Assembly, to be held in the year eighteen hundred and sixty-nine, and every four years thereafter, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election, and shall hold the same for the term of four years.

Proposed amendment to the Constitution of the State of California.

[Approved April 2, 1866.]

The Senate and Assembly of the State of California, at the Sixteenth Session of the Legislature, convened in the City of Sacramento, in the years eighteen hundred and sixty-five and eighteen hundred and sixty-six, do propose the following amendment to the Constitution of the State of California:

No person shall be qualified or allowed to vote at any election for public officers in this State, unless he shall have paid such poll

tax as may have been levied upon him by authority of law, and ^{Amend-}
become payable during the year next preceding such election; ^{ments.}
such poll tax to be fixed by Act of the Legislature, and not to
be less than two nor more than five dollars per annum per capita.

Proposed amendments to the Constitution of the State of California.

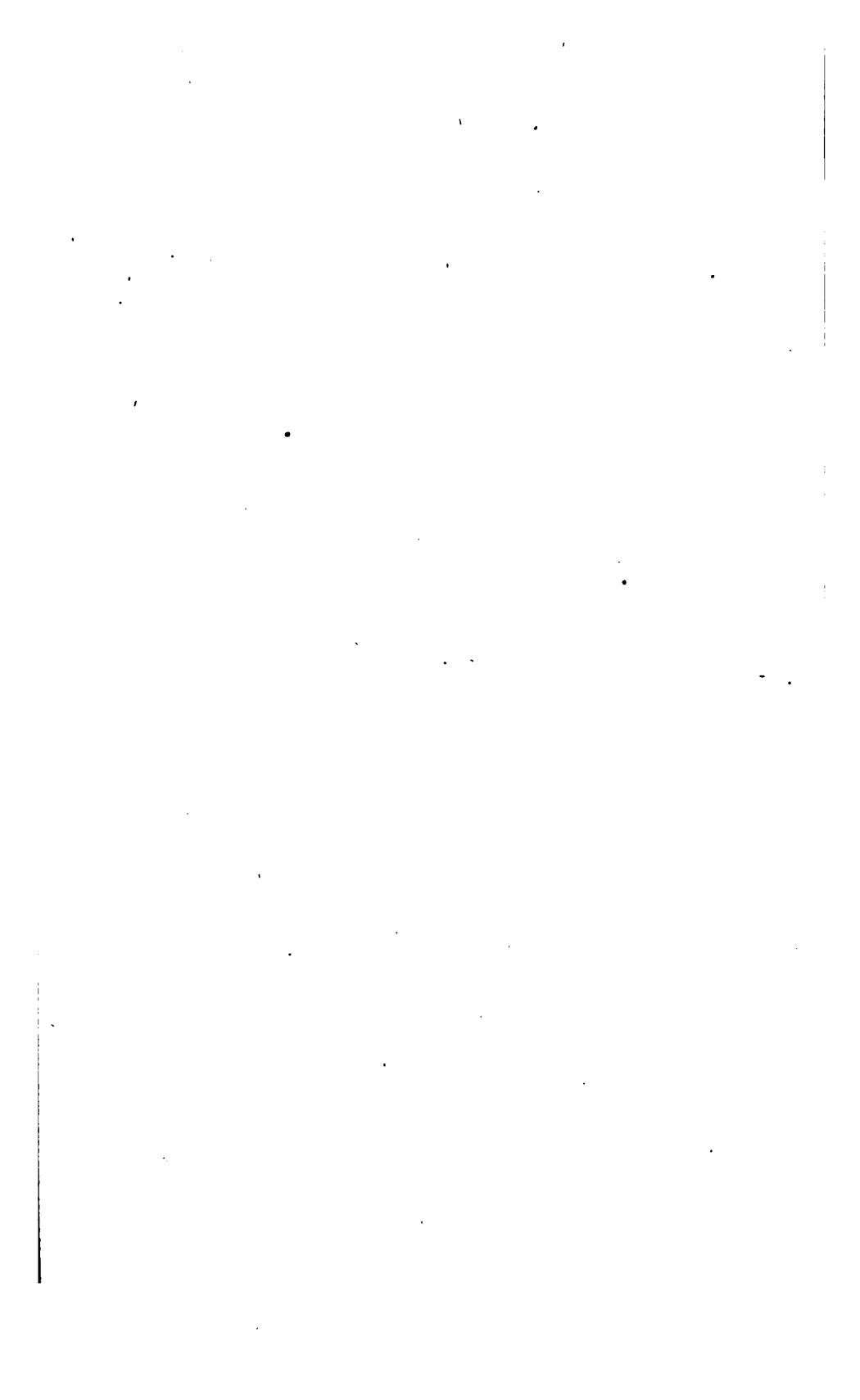
[Approved April 2, 1866.]

The Legislature of the State of California, at its Sixteenth Session, commencing on the fourth day of December, A. D. eighteen hundred and sixty-five, proposes the following additional section to Article One of the Constitution:

SEC. 22. The Legislature shall have no power to make an appropriation of money for any purpose whatever for a longer period than two years.



RESOLUTIONS.



CONCURRENT AND JOINT RESOLUTIONS.

ASSEMBLY RESOLUTIONS.

NUMBER I.—*Concurrent Resolution.*

[Adopted December 18, 1865.]

Resolved, By the Assembly, the Senate concurring, that one thousand nine hundred and twenty copies of the report of the Surveyor-General for the year eighteen hundred and sixty-four be printed with the report for the year eighteen hundred and sixty-five, in one volume.

No. II.—*Concurrent Resolution.*

[Adopted January 16, 1866.]

Resolved, By the Assembly, the Senate concurring, that our Senators be instructed and our Representatives in Congress be requested to use their influence to procure the establishment of a tri-weekly mail from Bridgeport, the county seat of Mono County, by way of Mono Lake and Adobe Meadows, to Partwick, in said county, as soon as practicable.

No. III.—*Concurrent Resolution.*

[Adopted January 17, 1866.]

Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed and our Representatives requested to use all honorable means in their power to procure

the early establishment of a daily mail from the City of Stockton, via Copperopolis, to the Town of Murphy's, Calaveras County.

Resolved, That His Excellency the Governor be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

No. IV.—*Concurrent Resolution, granting leave of absence to John W. Ackerson, County Treasurer of San Mateo County.*

[Approved January 25, 1866.]

Leave of
absence.

Resolved, By the Assembly, the Senate concurring, that John W. Ackerson, County Treasurer of San Mateo County, be and he is hereby granted leave of absence from this State for the period of four months after the first day of April next, (eighteen hundred and sixty-six;) *provided*, that he shall appoint some competent person to act as Deputy County Treasurer during his absence, for whose acts and official negligences or derelictions the said Treasurer and his sureties shall be in all respects responsible; and the leave of absence herein granted shall take effect whenever the sureties of the said Treasurer shall sign and file in the office of the County Auditor of said County of San Mateo their written consent thereto, and to the terms and conditions thereof as herein expressed, and not before.

Proviso.

No. V.—*Concurrent Resolution.*

[Adopted January 10, 1866.]

Cession of
Fort Jones
Reserve.

Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed and our Representatives requested to urge upon Congress, by all means in their power, the cession of the buildings and grounds situated in Siskiyou County, in this State, and known as the "Fort Jones Reserve," to the State of California for educational purposes.

Resolved, That the Governor be requested to forward a copy of these resolutions to our Senators and Representatives in Congress.

No. VI.—*Concurrent Resolution.*

[Adopted January 8, 1866.]

Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed and our Representatives requested to use their influence to procure the establishment of a semi-weekly mail from Shasta City, Shasta County, to Yreka, Siskiyou County, via of Churntown, Copper City, Dog Creek, Portuguese Flat, Soda Springs, Butteville, and Shasta Valley; and also the establishment of Post Offices at Churntown, Copper City, Dog Creek, Portuguese Flat, Soda Springs, Butteville, and Shasta Valley.

Resolved, That his Excellency the Governor be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

No. VII.—*Concurrent Resolution.*

[Adopted January 20, 1866.]

Resolved, By the Assembly, the Senate concurring, that our Senators be instructed and our Representatives in Congress requested to use their exertions to re-establish the southern overland mail route from San Francisco, via Los Angeles, Fort Yuma, El Paso, Fort Smith, to Memphis, and to procure from Congress such legislation as will obtain the object expressed by this resolution; and the Governor is hereby requested to transmit a copy of this resolution to each of our Senators and Representatives at Washington.

No. VIII.—*Concurrent Resolution.*

[Adopted January 20, 1866.]

Resolved, By the Assembly, the Senate concurring, that the Enrolling Clerk of the Assembly be and he is hereby authorized to insert the enacting clause in Assembly Bill Number One Hundred and Twelve, an Act to amend an Act entitled an Act concerning roads and highways in the County of Plumas, approved April twenty-fifth, eighteen hundred and sixty-three.

Enacting
clause in
Assembly
bill No. 112.

No. IX.—*Concurrent Resolution.*

[Adopted January 20, 1866.]

Printing State Agricultural report.

Resolved, By the Assembly, the Senate concurring, that there be printed of the report proper of the State Board of Agriculture for eighteen hundred and sixty-five: for the use of the Legislature three hundred and sixty copies, for the use of the Board six hundred copies; also, of the full transactions of the Board for eighteen hundred and sixty-four and five: for the use of the Legislature two hundred and forty copies, and for the use of the Board two thousand six hundred and forty copies.

No. X.—*Concurrent Resolution.*

[Adopted January 26, 1866.]

Weekly mail route.

Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed and our Representatives be requested to use their influence to procure the establishment of a weekly mail from Susanville, Lassen County, to Fort Bidwell, Siskiyou County, via of Eagle Creek, Surprise Valley, Milk Ranch, and Willow Creek; and also the establishment of Post Offices at Eagle Creek, Surprise Valley, Milk Ranch, Willow Creek, and Fort Bidwell, in Siskiyou County.

Resolved, That His Excellency the Governor be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

No. XI.—*Concurrent Resolution.*

[Adopted January 25, 1866.]

Joint Committee on day's work.

Resolved, By the Assembly, the Senate concurring, that a Joint Committee, consisting of five from the House and three from the Senate, be appointed to investigate and report upon the proposition to change the hours that shall constitute a legal day's work.

No. XII.—*Concurrent Resolution.*

[Adopted February 1, 1866.]

WHEREAS, A large number of private land claims in California which have been finally confirmed to the claimants by the Board of the United States Board of Land Commissioners and

the United States Courts have not been finally surveyed, and nearly all the claims which have been so confirmed but not finally surveyed embraced within the exterior boundaries named in the respective grants upon which such claims were founded and in the decrees of confirmation more land than was granted or has been confirmed to the parties; and whereas, the owners of such private land claims so finally confirmed are entitled to maintain suits to recover the possession of all the land embraced within the exterior boundaries of their respective grants, as the said boundaries are named and designated in the original grants and decrees of confirmation, against all persons in possession claiming the land as public land of the United States, thus enabling the claimants to obtain and hold the possession of much more land than was granted or confirmed to them; and whereas, until such private land claims are finally surveyed and located the public lands of the United States in the districts where such private land claims are situated cannot be ascertained or surveyed, or the title to any of the lands in such districts be settled or made secure, and the delay which has occurred in the final settlement and survey of such private land claims has been and still is highly prejudicial to the interests of the people of this State; therefore,

Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed and our Representatives requested to use their influence to procure the passage of a law of Congress which will insure a speedy survey and location, and within a limited and specified time, by the United States Surveyor-General, of all the private land claims in California which have been finally confirmed but have not been finally surveyed.

Resolved, That His Excellency the Governor be and he is hereby requested to forward a copy of the foregoing preamble and resolution to our delegation in Congress.

No. XIII.—*Concurrent Resolution.*

[Adopted February 7, 1863.]

Resolved, By the Assembly, the Senate concurring, that our delegation in Congress be requested to use their influence to procure the establishment of a semi-weekly mail route, starting from Suisun City, Solano County, and running thence through Gordon Valley, Rag Cañon, and Berryessa Valley, to Lower Lake, in Lake County.

Resolved, That His Excellency the Governor be requested to forward a copy of this resolution to our Representatives in Congress.

No. XIV.—*Concurrent Resolution.*

[Adopted January 27, 1866.]

Distribution of Surveyor-General's report. *Resolved*, By the Assembly, the Senate concurring, that each Senator and each member of Assembly be allowed eight copies of the report of the Surveyor-General, and that the remainder be sent to the office of the Surveyor-General and Register of the State Land Office for distribution.

No. XV.—*Concurrent Resolution.*

[Adopted January 31, 1866.]

Authority to employ shorthand reporter. *Resolved*, By the Assembly, the Senate concurring, that the Joint Special Committee appointed to investigate certain charges against the State Controller, and revenue officers of Trinity County, be authorized to employ a shorthand reporter to take down and transcribe in longhand the testimony before said committee, and that such reporter be paid at the rate of forty cents per folio; one half from the Contingent Fund of the Assembly, and one half from the Contingent Fund of the Senate.

No. XVI.—*Concurrent Resolution.*

[Adopted February 17, 1866.]

Tri-weekly mail route. *Resolved*, By the Assembly, the Senate concurring, that our Senators in Congress are instructed and our Representatives requested to procure the establishment of a tri-weekly mail route from Smith's Post Office, in Sonoma County, to Upper Mattole Valley, in Humboldt County; and the establishment of Post Offices on mail route at Caffey's Cave, at Casper Creek Mills, the Noyo Mills; Ten Mile River, Bear Harbor, Shelter Cove, Upper Mattole, and Lower Mattole.

Resolved, That His Excellency the Governor be requested to forward a copy of the above to each of our delegation in Congress.

No. XVII.—*Concurrent Resolution.*

[Adopted February 16, 1866.]

Resolved, By the Assembly, the Senate concurring, that the sum of one hundred and seventy-five dollars be allowed to Charles E. Williams for mileage and attendance as a witness before the

Joint Special Committee appointed to investigate certain charges against the Controller, and the revenue officers of Trinity County, one half to be paid out of the Contingent Fund of the Senate, and one half out of the Contingent Fund of the Assembly; and that the Controller is hereby authorized and directed to draw his warrants accordingly.

No. XVIII.—*Concurrent Resolution.*

[Adopted February 21, 1866.]

Resolved, By the Assembly, the Senate concurring, that Hiram Arents and John Doran be allowed mileage from Sacramento to San Francisco, thence to Stockton, returning by same route, (the distance being four hundred and sixty-eight miles,) they being telegraphed by the Chairman of the Insane Asylum Committee to attend as witnesses; one half to be paid out of the Contingent Fund of the Assembly and one half out of the Contingent Fund of the Senate—the amount of said mileage being ninety-three dollars and sixty cents each.

No. XIX.—*Concurrent Resolution.*

[Adopted February 19, 1866.]

Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed and our Representatives requested to use their influence to procure the sale of petroleum lands in this State, in quantities not exceeding one hundred and sixty acres, at the minimum price, to the occupants thereof; and that surveyed lands which have been in market and withdrawn therefrom on the discovery of petroleum, be again offered for entry at the local Land Offices; and that such contiguous unsurveyed lands as were returned "not worth surveying" may be partly surveyed by individuals or companies at their own expenses, by running lines from adjoining United States surveys, so as to designate correctly in the mountainous regions sections and quarter sections deemed worth entering; and by making a correct plot thereof and returning the same to the local Land Office, with legal proof of occupancy for the purpose of mining for petroleum, may be permitted without further proof or delay to enter lands thus designated, at the minimum price of one dollar and twenty-five cents per acre.

Resolved, That His Excellency the Governor be requested to forward copies of this resolution to the President of the United States, and to each of our Senators and Representatives in Congress.

No. XX.—*Concurrent Resolution.*

[Adopted March 2, 1866.]

Freedmen's bureau bill, action indorsed. *Resolved*, By the Assembly, the Senate concurring, that we heartily indorse the course of those of our delegation in Congress who voted for the passage of the bill known as the "Freedmen's Bureau Bill;" and that we indorse the course of the Hon. John Conness in voting against sustaining the President's veto of the same.

Resolved, That His Excellency the Governor be and is hereby requested to transmit the above resolution by telegraph to our delegation in Congress.

No. XXI.—*Concurrent Resolution.*

[Adopted March 3, 1866.]

Additional pay allowed. *Resolved*, By the Assembly, the Senate concurring, that Charles D. Lyman shall receive for his services as Clerk of the "Insane Asylum Investigating Committee" the sum of three dollars additional pay per day from the date of his appointment as such Clerk until discharged, one half to be paid out of the Contingent Fund of the Assembly and one half out of the Contingent Fund of the Senate.

No. XXII.—*Concurrent Resolution.*

[Adopted March 8, 1866.]

Mileage and per diem allowed. *Resolved*, By the Assembly, the Senate concurring, that the Controller of State be and is hereby instructed to draw his warrant on the State Treasurer in favor of J. J. Rodgers for thirty-eight dollars (\$38) for mileage and per diem as witness before the Insane Asylum Investigating Committee, one half to be paid out of the Contingent Fund of the Assembly and one half out of the Contingent Fund of the Senate.

No. XXIII.—*Concurrent Resolution.*

[Adopted March 2, 1866.]

Indorse of proposed amendment to Federal Constitution. *Resolved*, By the Assembly, the Senate concurring, that we heartily indorse the proposed amendment to the Federal Constitution which provides that representation shall be according to the voting population, and our Senators are hereby instructed to vote for the same.

Resolved, That His Excellency the Governor be and is hereby requested to transmit a copy of the above resolution to each of our Senators in Congress.

No. XXIV.—*Concurrent Resolution.*

[Adopted March 14, 1866.]

Resolved, By the Assembly, the Senate concurring, that José ^{Leave of absence.} Maria Loureyro, a Supervisor of the County of Santa Barbara, is hereby granted leave of absence from this State for the period of six months from the first of June, eighteen hundred and sixty-six.

No. XXV.—*Concurrent Resolution.*

[Adopted March 17, 1866.]

WHEREAS, It has been represented to us, and we believe, correctly, that the California Volunteers who served the General Government in the Territories of Utah, Arizona, and New Mexico, with honor to themselves and credit to the State, during the late rebellion, were, at the expiration of their term of service, contrary to their will and desire, discharged in those Territories, at from fifteen hundred to two thousand miles from their homes and places of enlistment, and were denied either rations or transportation, and compelled to accept from sixty-three to one hundred and twenty-five dollars (according to distance) in lieu thereof; and whereas, the necessary outfit for the return of these men through a country infested by hostile Indians, and at a time when provisions and other equipments necessary to the journey were to be had only at exorbitant prices, caused them to expend from four to five hundred dollars each in order to reach their homes, an amount of at least three hundred dollars over and above the amount received for mileage and transportation; and whereas, it has heretofore been the policy of the Government to discharge the volunteer at the place of enlistment, and a pledge was made to these soldiers when they enlisted that they should be so discharged; therefore, be it

Requesting
the reim-
bursement
of expenses
to soldiers
discharged
in Utah,
Arizona,
and New
Mexico.

Resolved, By the Assembly, the Senate concurring, that in view of the foregoing facts, we earnestly request that the General Government award to these soldiers of the Union so discharged as aforesaid, the sum of three hundred dollars each, as payment for their actual expenses in returning to their homes and places of enlistment.

Resolved, That our Senators and Representatives in Congress are hereby instructed and requested to use their influence and

CONCURRENT AND JOINT RESOLUTIONS,

earnest endeavors to procure the passage of an Act by Congress, carrying into effect the above resolution.

Resolved, That His Excellency the Governor is hereby requested to furnish each of our Senators and Representatives in Congress with a copy of the foregoing preamble and resolutions.

No. XXVI.—*Concurrent Resolution.*

[Adopted March 28, 1866.]

Leave of absence.

Resolved, By the Assembly, the Senate concurring, that leave of absence from the State be and is hereby granted to J. G. Severance, District Attorney of Calaveras County, for the space of four months, to be selected by himself during the term for which he was elected; *provided*, that he shall first obtain the consent of all the sureties on his official bond, and leave a proper representative to discharge his duties, to be approved by the Board of Supervisors.

No. XXVII.—*Concurrent Resolution.*

[Adopted March 26, 1866.]

Allowance for services.

Resolved, By the Assembly, the Senate concurring, that the sum of two hundred and six dollars and forty cents (\$206 40) be allowed and paid to Andrew J. Marsh for his services as Clerk and shorthand reporter of the Joint Special Committee appointed to investigate certain charges against the Controller and the revenue officers of Trinity County; and the sum of five dollars to R. Clifford, Sheriff of Trinity County, for service of papers for said committee; one half to be paid out of the Contingent Fund of the Senate and one half out of the Contingent Fund of the Assembly; and the Controller is hereby authorized and directed to draw his warrants accordingly.

No. XXVIII.—*Concurrent Resolution.*

[Adopted April 2d, 1866.]

Recom-mending Major-Tien'l McDowell for promotion.

WHEREAS, The patriotic services of Brevet Major-General Irvin McDowell, late Commander of the Department of the Pacific, demand the formal recognition of the representatives of the people of the State of California, in Legislature assembled; therefore,

Resolved, By the Assembly, the Senate concurring, that the sincere thanks of the people of California are due to Major-General McDowell for the ability, activity, and faithfulness manifested by him in the discharge of the various perplexing and delicate duties devolving upon him.

Resolved, That we earnestly recommend Major-General McDowell to His Excellency, the President of the United States, for promotion to his full rank in the regular army.

Resolved, That His Excellency the Governor be and he is hereby respectfully requested to forward a copy of these resolutions to the President of the United States.

No. XXIX.—*Memorial to Congress for the sale of coal lands in California.*

[Approved April 2, 1866.]

WHEREAS, The coal lands of California have been taken up and held by settlers under the laws of the State in one hundred and sixty acre tracts, in conformity to the possessory Act of the State and the United States, expecting to pay the same price that coal lands have always been sold at, namely, one dollar and twenty five cents per acre; and, whereas, they have gone on in good faith and expended large sums of money in prospecting and developing said coal lands, and have not been remunerated, but have been harrassed by litigation and uncertainty of title by their being classed as mineral lands, which has never been the case in any State but California; and, whereas our State is creating its manufacturing interests very rapidly, and cheap coal is the true basis of and indispensable to their prosperity; and, whereas, the wood on which we have heretofore relied for fuel is fast disappearing; therefore,

Resolved, By the Assembly, the Senate concurring, that our Senators and Representatives in Congress be requested to present, and urge upon the attention of Congress the considerations embraced in the foregoing memorial, and if possible, to secure such legislation as will place the coal mining interests of this State on an equality with the privileges enjoyed heretofore by those engaged in developing this source of wealth to the nation; and that the Governor be requested to forward a copy of this resolution and the accompanying memorial to our delegation in Congress.

No. XXX.—*Concurrent Resolution.*

[Adopted March 12, 1866.]

Leave to
withdraw
bill.

Resolved, By the Assembly, the Senate concurring, that the introducer of Assembly bill Number Four Hundred and One, an Act to amend an Act entitled an Act to re-incorporate the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two, be allowed to withdraw the same.

No. XXXI.—*Memorial.*

[Approved April 2, 1866.]

The Memorial of the Legislature of the State of California to the Congress of the United States respectfully represents:

Requesting
reimburse-
ment of
settlers on
Arroyo Seco
grant.

That at the time California was acquired by the United States, a tract of arable land, containing some fifty thousand acres, well watered, and exceedingly fertile, had remained, from its secluded position and its distance from the sea coast, if not undiscovered, entirely unoccupied by civilized man. The tract lies near to the Sierras, and is surrounded by low hills, and beyond them sterile plains, and it is quite probable that up to the time when gold was discovered it had never been visited by white men. It is entirely certain that no vestige of civilization was ever found upon it. In eighteen hundred and forty-eight, when General Sutter prospected for gold ten miles above this valley in the foot-hills, the principal stream which irrigates and fertilizes this valley had not even a name to designate it. It has been known from that time as Sutter Creek. The same is true of its second principal stream, named for an early miner—Jackson; another still from a miner—Amador. And curious enough, the grant which will hereafter be mentioned takes its name from a stream christened by the Mexican miners, after eighteen hundred and forty-eight, Arroyo Seco, or Dry Creek; and the village in which they lived is still known as Drytown. The valuable belt of mineral lands embracing the villages of Drytown, Amador, Sutter Creek, and Jackson, lies ten miles above and to the east of this valley, and was prospected by Sutter, Amador, Jackson, and others, in the fall and winter of eighteen hundred and forty-eight and eighteen hundred and forty-nine, and at that time this valley was entirely unoccupied. In eighteen hundred and forty-nine it attracted the attention of enterprising men, who found it as nature had left it—unoccupied and unclaimed. They believed, and were justified by all appearances in this belief, that this was public land belonging to the United States. They were principally Western men, who had from their youth been familiar with the beneficent system of land laws in the new and unoccupied Territories of the Union, and they settled at once in the beautiful valley, each marking out, as near as he

could, his hundred and sixty acres; and each felt as certain of his right so to do, and as secure of his possession, as any heir could to his ancient inheritance. They knew the country had been ceded to the United States. They knew the lands were public lands, for there was neither occupant nor claimant—not a vestige of a house, not a hoof of stock, nor a settlement nearer than Sutter's Fort, forty miles distant. These lands were exceedingly fertile, and convenient to the best market for farm produce in the world—the mines of California. As soon as the capacity of these lands to produce both grains and fruits had been fairly tested by these hardy pioneers, they became at once exceedingly valuable. Improvements were commenced of the most permanent character. Orchards and vineyards were planted. Beautiful and expensive dwellings were erected. Steam power was introduced. Large mills for converting their grain into flour were built. Hotels, and stores, and villages sprung, as if by magic, from the plain. Extensive ditches and costly aqueducts, both for the purpose of irrigation and for working the mines upon the borders of the valley, were constructed; while churches and school houses told plainer than words could convey who were the settlers of Ione Valley. "And this waste land, where no man came or had come since the making of the world," blossomed as only California valleys can, under the hand of experienced cultivation. This picture is not overdrawn, and but feebly conveys an idea of the prosperity, progress, and refinement of the settlers in this valley for the first ten years of their California life. The value of the improvements which they had placed upon the lands could not have been less than eight hundred thousand dollars. From that date words will fail to depict the calamities of these most unfortunate families. Their lands and improvements have been taken from them without any compensation whatever. A Mexican grant has been confirmed to the whole of the valley. The land has been patented by the United States to strangers; and the pioneers, the early settlers, the men who bore the heat and burden of the day, have been stripped of their all, and many of them now in the decline of life turned literally out of doors. All right thinking men naturally ask—Is there any redress for this calamity? Can any compensation be made these families for their great loss? In plain words, ought the General Government to stretch forth its powerful arms for the relief of this distressed community? If it can be shown that they settled these lands under encouragement from the United States, and made these improvements under implied guarantees of title, it will not, it is thought, be difficult to obtain from Congress an affirmative answer. If it can be further shown that they obtained actual title from the United States, all questions will be at an end. That many of them did so, is a fact recorded in the archives of the Government. To establish the right of this community to relief from the General Government, it will be necessary to give a brief history of the Arroyo Seco Grant, upon which a patent to their lands has been issued. It appears from the records that in the year eighteen hundred and fifty-two, on the first of November, Andreas Pico filed a petition before the Land Commissioners for eleven leagues of land, known as the Arroyo Seco Grant,

Requesting
reimburse-
ment of
settlers on
Arroyo Seco
grant.

Requesting
reimburse-
ment of
settlers on
Arroyo Seco
grant.

and lying in whole or in part, as the petition states, in Sacramento County, but giving only certain external boundaries, which embraced a scope of country containing at least six times the required amount of land; and at this time, it must be borne in mind, Ione Valley and the land referred to in the memorial lay, not in Sacramento, but in Calaveras County, which barely cornered on Sacramento. The question is not now whether Pico had any valid grant, but did his claims for eleven leagues of land lying in whole or in part in Sacramento County impart any notice whatever to the settlers of Calaveras County? If they ever heard that such a petition had been filed before the Land Commissioners in San Francisco, they certainly never once thought that it referred to their valley, for the external boundaries claimed by Pico, as well as the county, seemed clearly to exclude them. Pico's eastern boundary came only to the foot-hills, which rise sharply defined to the west of Ione. It is confidently asserted that this claim was never at that time heard of in the valley. If it ever was, the next news heard from it was that it had been rejected by the Land Commission on the twenty-seventh day of February, eighteen hundred and fifty-five. Six years had now passed in undisturbed possession, with no adverse claim to the lands on which they resided, for Pico stated in his petition to the Land Commissioners that there were no adverse claimants to the lands which he desired, and as there were at least fifty leagues of vacant and unoccupied land within the external boundaries which his petition set forth, it neither imparted notice nor even gave a hint of danger to these bona fide and actual settlers. Pico said: "Somewhere in that space of country bounded on the north by the Cosumnes River, on the east by the foot-hills, on the south by the Mokelumne River, and on the west by the old Sacramento and Stockton trail, I claim eleven leagues of land, and the land I desire is vacant, unoccupied land; there is no other claim to it." And his claim could have been satisfied five times over and never have touched them. Ought they, as the most scrupulously prudent men, to have thought the shaft was aimed at their peace? They did not think it was, and they continued to build and improve and enter into the fruit of their labors. They had the most unbounded confidence that the General Government would now, as she always had, protect her hardy pioneers. On the twelfth of May, eighteen hundred and fifty-five, notice of appeal from the Land Commission to the United States District Court was filed, followed on the eleventh of June by a petition for review; and on the twenty-first day of April, eighteen hundred and fifty-six, the Court reversed the action of the Land Commission, and confirmed to Andreas Pico eleven leagues of land somewhere within his said external boundaries. No survey had yet been made. The grant had been confirmed, but not located; and it must steadily be borne in mind that there was abundance of land to satisfy the grant, and leave the settlers alone. Would not the United States undoubtedly see that this was done?

Before proceeding, however, to the history of the survey, we will complete the legal history of this calamitous grant. On the third of October, eighteen hundred and fifty-six, an appeal to the United States Supreme Court was perfected and the transcript

sent up, and without even coming to a hearing was, May fourth, eighteen hundred and fifty-eight, on motion of Attorney-General Black, dismissed, and the mandate of dismissal filed in San Francisco on the third of September of the same year. This of course ended the litigation. It must steadily be borne in mind that the United States, during all this time, was the party in interest, and by her highest officers managed this important suit, involving, it is true, to herself only the price of the land, some sixty thousand dollars; to her citizens, her children, the increased value of improvement and cultivation, amounting to nearly or quite a million. We have now reached the autumn of eighteen hundred and fifty-eight, ten years subsequent to the discovery of gold, and nine since the valley was first settled. Many of the farms were worth a hundred dollars an acre, and in the character and value of their improvements would not suffer by comparison with the most highly cultivated sections of the old States. The United States had surveyed and laid off into townships and sections nearly the whole of the valley; and have actually sold, as the records of her Land Office at Stockton shows, four thousand nine hundred and ninety-six and forty-nine one hundredths (4,996 49-100) acres; the balance had been all or nearly all pre-empted. We now ask, in all candor and kindness, if the United States could have so located these eleven leagues of land belonging to Pico as not to disturb these settlers, and did not do it, ought she not to reimburse them for their losses? To determine this question, so vital to their hopes, let us proceed with the history of the surveys. Some time during the summer of eighteen hundred and fifty-six Andreas Pico himself came with the surveyors into the district, and proceeded to select and mark out his eleven leagues. It would seem that if any person knew where the land was, he, the grantee, was most likely to possess this information. He located his eastern boundary ten miles further east than the line of the present survey, and included within his boundaries all the rich belt of mineral lands heretofore spoken of, and with the invaluable mines assumed ownership of the thriving villages of Amador, Sutter Creek, and Jackson, the county seat of the new county which in eighteen hundred and fifty-four had been carved from Calaveras. He established his boundaries by permanent monuments, and proceeded to sell and deed lands, as the records of Amador County will show, to numerous purchasers across all this range. The wealthiest and most intelligent quartz miners in this State bought his title. It will be remembered that this survey of eighteen hundred and fifty-six left out a large portion of those persons who are now included in the present survey, and these facts are stated to render the position impregnable that these settlers believed, and were justified by the facts surrounding them in this belief, that they were upon the public lands of the United States. In the meantime, to render this belief a certainty, the United States surveyed all the valley lands to the west of Pico's location, and sold them to these very men who now are memorializing Congress for relief. But time rolled on, the survey had not yet been confirmed, the mines were growing poorer and the valley richer, and Pico, in his great anguish when he discovered that he had not included

Requesting
reimburse-
ment of
settlers on
Arroyo Seco
grant.

Requesting
reimburse-
ment of
settlers on
Arroyo Seco
grant.

witbin his lines all the valuable property between Cosumnes and Mokelumne Rivers, and the old Stockton trail and the foot-hills, proceeded at once to change the lines of his survey. In August, eighteen hundred and fifty-nine, that grant was surveyed by the United States Surveyor-General for the State of California, J. W. Mandeville, Esquire. The eastern line of Pico's first survey was carried ten miles west, and of necessity included many of the settlers who had purchased these lands of the United States. It must constantly be borne in mind that this was a floating grant; that there was at least six times as much ground contained in its exterior lines as the grant called for; that all the lands outside of this valley were vacant lands; and that this survey was persistently and openly made to include the most valuable farms, and was made by a United States Surveyor-General, and confirmed by a United States Judge. This survey was confirmed September, eighteen hundred and sixty-two. An appeal was taken from the order of confirmation, and this appeal, on motion of Attorney-General Bates, was dismissed February third, eighteen hundred and sixty-three. Not until this date were the settlers left without hope. Soon after this confirmation a patent was issued, and a company of United States dragoons ordered into the valley to assist the United States Marshal in ejecting the settlers. Let us quickly draw a veil over the sad picture, and state at once the plan we propose for redress. We appeal to Congress, and respectfully pray that a commission of disinterested and qualified men be selected and authorized, at the expense of the General Government, to visit the land in question, to inquire into and ascertain all the facts of the case, to take testimony in relation thereto, and to award to each settler such amount as may by said commission be deemed just and right; and Congress is further requested to make such appropriation as will be necessary to carry out the objects of said commission. Such proceedings on the part of Congress your memorialists believe to be consonant with reason and justice, and to be sanctioned by precedent.

His Excellency the Governor is requested to forward a copy of the above memorial to our Senators and Representatives in Congress.

No. XXXII.—Concurrent Resolution.

[Adopted March 29, 1866.]

Commis-
sioner to
World's
Fair in Paris

Resolved, By the Assembly, the Senate concurring, that W. B. Ewer, senior editor of *The Mining and Scientific Press*, is hereby appointed Commissioner for the State of California to attend the World's Industrial Exhibition to be held the ensuing summer in the City of Paris; *provided*, however, that if the said W. B. Ewer shall fail to accept said commission, then the Governor of the State is hereby authorized to appoint some suitable person in his stead; and, *provided*, further, that such Commissioner shall not ask or receive any pay or compensation for the performance of the duties of his office.

No. XXXIII.—*Concurrent Resolution.*

[Adopted March 29, 1866.]

Resolved, By the Assembly, the Senate concurring, that five thousand copies of the report of the special committee appointed to investigate the officers of the State Insane Asylum be and the same are hereby ordered printed.

Committee report on State Insane Asylum matters.

No. XXXIV.—*Concurrent Resolution.*

[Adopted March 31, 1866.]

Resolved, By the Assembly, the Senate concurring, that our Senators are hereby instructed and our Representatives in Congress requested to use their best efforts to procure such an amendment to the internal revenue law as will place the wine-growing interests of this State on the same footing with other branches of home industry.

Resolved, That His Excellency the Governor be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

No. XXXV.—*Concurrent Resolution.*

[Adopted March 31, 1866.]

Resolved, By the Assembly, the Senate concurring, that five hundred copies of such portions of the revenue laws passed the present session of the Legislature as is necessary to be in the possession of the Revenue Officers before the statutes can be printed and distributed, be printed; the same to be compiled and distributed under the direction of the Secretary of State.

Compilation of revenue laws.

SENATE RESOLUTIONS.

NUMBER I.—Joint Resolution providing for a ratification of the amendment to the Constitution of the United States.

[Approved December 20, 1865.]

Amendment WHEREAS, The Congress of the United States, two thirds of both Houses having deemed it necessary, by a joint resolution duly passed, and approved on the first day of February, in the year of Our Lord one thousand eight hundred and sixty-five, did propose to the Legislatures of the several States for their ratification a certain amendment to the Constitution of the United States, which proposed amendment is in the words and figures following, to wit:

"ARTICLE XIII.

"SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

"SEC. 2. Congress shall have power to enforce this Article by appropriate legislation."

Therefore, be it Resolved, By the Senate and Assembly of the State of California, that the said proposed amendment be and the same hereby is ratified by the Legislature of the State of California.

No. II.—Concurrent Resolution.

[Approved January 11, 1866.]

To stay the issue of patents to public lands to Central Pacific Railroad Company.

WHEREAS, It is proposed that the Legislature of the State of California do memorialize the Congress of the United States touching certain amendments to the certain Act of Congress donating lands to the Central Pacific Railroad Company, approved July second, one thousand eight hundred and sixty-four; and whereas, pending the consideration of said memorial there is danger that patents to public lands may issue to said road company, and other action be had defeating the object of said proposed amendment, by the office of the United States Land Commissioner at Washington; therefore,

Resolved, By the Senate, the Assembly concurring, that our Senators in Congress be instructed and our Representatives be requested to use all due efforts to prevent the issuance of any patents to said donated lands or any alienation of said lands until said memorial shall be received and duly acted upon by the Congress of the United States.

Resolved, That the Governor be requested to immediately transmit by telegraph a copy of these resolutions to our Senators and Representatives in Congress.

No. III.—*Joint Resolution granting leave of absence to George Goodman, County Treasurer of Napa County.*

[Approved January 25, 1866.]

Resolved, By the Senate and Assembly, that leave of absence ^{Leave of absence.} from this State for a period not exceeding six months is hereby granted to George Goodman, County Treasurer of Napa County, during the present year, providing he shall, during his absence, leave a competent deputy to discharge his official duties.

No. IV.—*Concurrent Resolution.*

[Adopted December 11, 1865.]

Resolved, By the Senate, the Assembly concurring, that a committee of three from each body be appointed, whose duty it shall be to institute a thorough investigation into the Insane Asylum and its affairs, and report the results thereof to the Legislature, said committee being hereby authorized to administer oaths and send for persons and papers.

Investigation of affairs of Insane Asylum.

No. V.—*Concurrent Resolution..*

[Adopted December 6, 1865.]

Resolved, By the Senate, the Assembly concurring, that a Joint Committee of six, three from each house, be appointed to wait upon the Governor and inform him of the organization of the Legislature, and ready to receive any communication His Excellency may be pleased to make.

Organization of Legislature.

No. VI.—*Concurrent Resolution.*

[Adopted December 6, 1865.]

Resolved, By the Senate, the Assembly concurring, that Cornelius Brown be and he is appointed fireman for the two Houses

of the Legislature for the present session, at a per diem of four dollars, payable out of the Contingent Fund of each House.

No. VII.—*Concurrent Resolution.*

[Adopted December 6, 1865.]

Cleaning up
in rear of
Capitol.

Resolved, By the Senate, the Assembly concurring, that James Penny be appointed to clean up in the rear of the Capitol building, with the same per diem as porters.

No. VIII.—*Concurrent Resolution.*

[Adopted January 15, 1866.]

Investiga-
tion as to
cause of de-
lay in trans-
mission of
telegraphic
message.

Resolved, By the Senate, the Assembly concurring, that a Joint Committee of three from each House be appointed to investigate the causes of the delay in the transmission by telegraph of Concurrent Resolution Number Ten to our Congressional delegation in Washington, and the apparent celerity in the issuance to the Central Pacific Railroad Company of the patent for the lands to which said concurrent resolution refers, and that said committee have power to send for persons and papers, and to communicate by telegraph, and to report by bill, resolution, or otherwise.

No. IX.—*Concurrent Resolution.*

[Adopted January 15, 1866.]

Translation
of laws into
Spanish.

Resolved, By the Senate, the Assembly concurring, that a committee of three be appointed from each House to select proposals and award the contract for translating into Spanish the laws of the present session.

No. X.—*Concurrent Resolution.*

[Adopted December 6, 1865.]

Senate rules.

Resolved, That the President of the Senate appoint a committee of five to prepare and report a system of Rules for the government of the Senate, said committee to act with a committee of the Assembly in recommending the Joint Rules of both

Houses, and that in the meantime this Senate be governed by the Senate Rules of the last session.

No. XI.—*Concurrent Resolution.*

[Adopted January 16, 1866.]

Resolved, By the Senate, the Assembly concurring, that the Committees on Swamp and Overflowed Lands of the Senate and Assembly be appointed a Joint Committee to investigate the affairs of the Board of State Swamp Land Commissioners, and report the result of said investigation to this Legislature as soon as possible.

Investiga-
tion of affairs
of Swamp
Land Com-
missioners.

No. XII.—*Concurrent Resolution.*

[Approved January 25, 1866.]

WHEREAS, The highest prosperity of the nation is intimately connected with the just appreciation and speedy development of the great and varied resources of the Pacific States and adjoining Territories; and, whereas, their remoteness from the National Capital makes it difficult for the Government to comprehend the novel interests of this great region, and the executive and legislative action they require; and, whereas, the presence in the Cabinet of a citizen conversant with the history, characteristics, and needs of this western portion of the republic would greatly assist the Government to a thorough understanding of the questions arising in departments, the legislation required of Congress, and the general national policy to be pursued towards its remotest but most richly endowed section, and in so doing largely aid in securing its natural and moral advancement, and thereby promote the true prosperity of the whole country; therefore, be it

Requesting
President to
give seat in
his Cabinet
to citizen of
Pacific coast.

Resolved, By the Senate, the Assembly concurring, that the President of the United States is respectfully and earnestly requested to invite, at the earliest opportunity, a citizen of the Pacific coast to a seat in the Cabinet; and, further,

Resolved, That the Governor is instructed to communicate this resolution by telegraph to His Excellency the President and the members of the Senate and the House of Representatives from California, and by letter to the Governors of the Pacific States and Territories.

No. XIII.—*Concurrent Resolution.*

[Adopted January 18, 1866.]

Insane Asylum Committee authorized to employ Clerk, etc. *Resolved*, By the Senate, the Assembly concurring, that the Enrolling Committee of the Senate be and they are hereby authorized to direct the Enrolling Clerk of the Senate to insert an enacting clause in Senate Bill No. 72, an Act to provide for the collection of delinquent taxes in the Town of Downieville.

No. XIV.—*Concurrent Resolution.*

[Adopted December 19, 1865.]

Insane Asylum Committee authorized to employ Clerk, etc. *Resolved*, By the Senate, the Assembly concurring, that the Joint Committee to investigate the affairs of the Insane Asylum be authorized to employ a Clerk and Sergeant-at-Arms, to be paid the per diem allowed by law to clerks of committees, one half payable out of the Contingent Fund of the Senate, and one half payable out of the Contingent Fund of the Assembly.

No. XV.—*Concurrent Resolution.*

[Adopted December 16, 1865.]

Joint Convention to elect U. S. Senator. *Resolved*, By the Senate, the Assembly concurring, that the two branches of the Legislature now in session shall meet in Joint Convention in the Assembly Chamber, at twelve o'clock, midday, this December the sixteenth, Anno Domini eighteen hundred and sixty-five, for the purpose of electing a United States Senator to succeed James A. McDougall, whose term will expire with the third day of March, Anno Domini eighteen hundred and sixty-seven.

No. XVI.—*Concurrent Resolution.*

[Adopted December 9, 1865.]

Distribution State Con-troller's reports. *Resolved*, By the Senate, the Assembly concurring, that the State Printer be and he is hereby directed to deliver to the Honorable George Oulton, State Controller, one hundred and fifty copies of his report for distribution to Auditors and Controllers of the different States, and to County Auditors and Treasurers of this State.

No. XVII.—*Concurrent Resolution.*

[Approved January 30, 1866.]

WHEREAS, We are informed by a telegraphic dispatch that Andrew Johnson, President of the United States, did, on the sixth day of January, eighteen hundred and sixty-six, sign a patent for four hundred and fifty thousand acres of land in behalf of the Central Pacific Railroad of this State; and whereas, we have reason to believe that a greater portion of the land embraced in such patent is mineral land, and exempt from sale by the Acts of Congress in respect to the grants of land to the said Central Pacific Railroad Company; and whereas, the further issue of such patents to said company must end in results detrimental to the interests of this State; therefore, be it

Resolved, By the Senate, the Assembly concurring, that our Senators in Congress be instructed and our Representatives be requested to use all endeavors in their power to prevent the further issue of land patents to said company until the State of California may be heard in her behalf in regard to grants of land to said Pacific Railroad Company.

Resolved, That His Excellency the Governor immediately transmit by telegraph these resolutions and preamble to our Senators and Representatives in Congress.

No. XVIII.—*Memorial of the Senate and Assembly, the Legislature of California, to the Congress of the United States.*

[Approved January 30, 1866.]

The Memorial of the Legislature of the State of California respectfully representeth:

THAT, WHEREAS, an Act of the Congress of the United States, entitled an Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July first, eighteen hundred and sixty-two, did grant to certain corporations, and especially to the Central Pacific Railroad Company of California, certain rights, privileges, and powers, for the purpose of aiding in the construction of certain railroads therein designated; said Act further donating to said Central Pacific Railroad Company, upon certain conditions, certain public lands adjoining the line of said road, and reserving from said lands thus donated, mineral lands, and certain other rights and claims therein specially excepted; and whereas, said Act did further provide that "Congress might at any time add, alter, amend, or repeal said Act;" and whereas, the Congress of the United States did, by an amendment of section third of said original Act, approved July second,

To stay the
issue of
patents for
public lands
to Central
Pacific Rail-
road Com-
pany.

Requesting
that the Act
of Congress
of July 2,
1864, rela-
tive to grants
to railroads,
be amended.

Requesting that the Act of Congress of July 2, 1864, relative to grants to railroads, be amended. eighteen hundred and sixty-four, increase the amount of land in said original Act donated, and did further, by said amendatory Act, reserve from said donated lands, "all mineral lands, excepting those containing mines of coal and iron;" and did further provide: "That said lands thus donated should not affect or impair any pre-emption, homestead, swamp land, or other lawful claim, nor include any Government reservation, or mineral lands, or the improvements of any bona fide settler, or any lands returned and denominated as mineral lands;" and did further provide that certain of said excepted rights "should be determined by rules to be established by the Commissioners of the General Land Office, in conformity with the provisions of the pre-emption laws;" and whereas, the line of said Central Pacific Railroad passes through a populous section of the State, and through counties principally mineral in their character, and where large tracts of land have been located, and were at the date of the location of said road occupied by bona fide settlers, under and in accordance with the laws of this State; and it further appearing probable that in the greater part of such donated lands as lie within the several Counties of El Dorado, Placer, Nevada, and Sierra, valuable mines of gold and silver exist, that are as yet undeveloped and undiscovered: therefore, to the end that full force and effect may be given to the several reservations from said donated lands, and that the just rights of miners and bona fide occupants of such public lands may be fully secured, we do request that section four of said Act of July second, eighteen hundred and sixty-four, be further amended by providing therein: That the improvements of any bona fide settler shall be deemed to include such improved lands as now are and were at the date of the location of said line of road actually occupied and improved by bona fide settlers, in accordance with the laws of the State of California, and such other lands as have for said period been and still are peaceably and actually occupied and possessed, for any and every lawful and beneficial purpose, to the extent of one hundred and sixty acres to each occupant. Such provision to be made by such amendment as shall enable such settlers to purchase such improved lands from said railroad company, by paying to said company therefor the Government price of one dollar and twenty-five cents per acre; and that so much of said Acts as grant the timber on the mineral lands within ten miles on each side of said Pacific Railroad be repealed; and that said Act be further amended so as to secure to all water ditch and canal companies now in actual operation, all water rights and privileges by them now held and used, together with the right of way for such water ditches and canals over and through said donated lands; and also to secure to all persons, associations, corporations, and bodies politic therein interested, all rights, privileges, franchises, and easements, now held, used, or enjoyed upon said donated lands, or upon the line of said road within the four hundred feet over which the right of way by said Act is given to said railroad company. And for the better ascertainment of the character of said lands, whether agricultural or mineral, within the counties heretofore named, that said Act be further amended so as to provide that the President of the United States shall

appoint three special Commissioners, resident within the State of California, whose duty it shall be to make careful inquiry and examination as to the mineral and agricultural characteristics of said lands—such examination to be made by subdivisions of one section each; and said Commissioners, or a majority of them, shall finally determine from such inquiry and examination of each section of said lands whether the same are mineral lands specially excepted from said grant to said railroad company or not, and return them accordingly; and that all mines of gold or silver, and minerals containing those metals, be expressly reserved in any patent or grant of land under said Act.

Resolved, That the Governor be requested to transmit, without delay, a copy of the foregoing memorial to our Senators and Representatives in Congress.

No. XIX.—*Concurrent Resolution.*

[Adopted January 26, 1866.]

Resolved, By the Senate, the Assembly concurring, that the ^{per diem of} Sergeant-at-Arms and Clerk of Committee to Investigate Affairs ^{Clerk, etc.} of Insane Asylum be allowed their per diem from the day of their several appointments.

No. XX.—*Concurrent Resolution.*

[Adopted January 29, 1866.]

Resolved, By the Senate, the Assembly concurring, that there ^{Report of} be printed two hundred and forty copies of the report of the ^{Special Agent Indian Affairs.} Special Agent on Indian Affairs, and that the same be distributed pro rata to the members of the Senate and Assembly.

No. XXI.—*Concurrent Resolution.*

[Adopted February 2, 1866.]

Resolved, By the Senate, the Assembly concurring, that the Senate Enrolling Committee be and they are hereby authorized ^{Correction of clerical error in title} to correct a clerical error in the title of Senate Bill Number ^{of bill.} Thirty-Four, an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twenty-ninth, eighteen hundred and sixty-three, returned to the Senate without approval of the Governor in consequence of such error.

No. XXII.—*Concurrent Resolution.*

[Adopted February 2, 1866.]

*Report of
Trustees of
State Reform
School.*

Resolved, By the Senate, the Assembly concurring, that four hundred and eighty copies of the report of the Trustees of the State Reform School for eighteen hundred and sixty-four and five be printed, of which one hundred and twenty copies be delivered to said Trustees for distribution at their discretion, and the balance to the Sergeants-at-Arms of the two Houses for distribution pro rata among the members of this Legislature.

No. XXIII.—*Concurrent Resolution.*

[Adopted February 6, 1866.]

*Mileage
allowed.*

Resolved, By the Senate, the Assembly concurring, that Doctor W. P. Tilden be allowed mileage from Sacramento to San Francisco, thence to Stockton, returning by same route, he having necessarily accompanied the committee to investigate the affairs of Insane Asylum; one half to be paid out of the Contingent Fund of the Senate, and one half out of the Contingent Fund of the Assembly.

No. XXIV.—*Concurrent Resolution.*

[Adopted February 6, 1866.]

*Notice by
publication
of the return
of public
land surveys.*

Resolved, By the Senate, the Assembly concurring, that our Senators and Representatives in Congress be requested to secure by enactment of Congress, or by direction of the United States Land Department, notice of the return of all public land surveys to the District Land Office by publication in some newspaper of general circulation in the land district in which the land survey is made, and also in some newspaper published in the county or counties wherein the land surveyed may be situated, to the end that all persons may have real as well as constructive notice, and be enabled to improve the opportunity of proving claims and furnishing evidence of the character of the land embraced in such surveys.

No. XXV.—*Concurrent Resolution.*

[Adopted February 15, 1866.]

Resolved, By the Senate, the Assembly concurring, that twelve hundred copies of the letter of the State Geologist, relative to the progress of the geological survey, be ordered printed for the use of the Legislature, and four hundred and eighty copies for distribution by the Governor, Secretary of State, and the State Geologist.

No. XXVI.—*Concurrent Resolution.*

[Approved February 27, 1866.]

WHEREAS, The following resolution has been adopted by concurrent vote of both branches of the Legislature, to wit:

“ WHEREAS, The highest prosperity of the nation is intimately connected with the just appreciation and speedy development of the great and varied resources of the Pacific States and adjoining Territories; and, whereas, their remoteness from the National Capital makes it difficult for the Government to comprehend the novel interests of this great region, and the executive and legislative action they require; and, whereas, the presence in the Cabinet of a citizen conversant with the history, characteristics, and needs of this western portion of the republic would greatly assist the Government to a thorough understanding of the questions arising in departments, the legislation required of Congress, and the general national policy to be pursued towards its remotest but most richly endowed section, and in so doing largely aid in securing its material and moral advancement and thereby promote the true prosperity of the whole country; therefore, be it

“ Resolved, By the Senate, the House concurring, that the President of the United States is respectfully and earnestly requested to invite, at the earliest opportunity, a citizen of the Pacific coast to a seat in the Cabinet; and, further,

“ Resolved, That the Governor is instructed to communicate this resolution, by telegraph, to His Excellency the President and the members of the Senate and the House of Representatives from California, and by letter to the Governors of the Pacific States and Territories.”

Now, be it Resolved, By the Senate, the Assembly concurring, that in the event the said resolution meets the favorable consideration of the President of the United States, we, the Legislature of California, recommend and solicit the appointment of Frederick Billings, Esquire, of San Francisco, for a position in the Cabinet.

Recom-
mending the
appointment
of F. Billings
to a seat in
the Cabinet.

No. XXVII.—*Concurrent Resolution.*

[Adopted March 2, 1866.]

Mileage allowed.

Resolved, By the Senate, the Assembly concurring, that Henry Orman, Jr., Sergeant-at-Arms of the Insane Asylum Investigating Committee, be and is hereby allowed the sum of one hundred and forty-three dollars for service and mileage in summoning fifty-one witnesses before said committee, one half to be paid out of the Contingent Fund of the Senate, and one half out of the Contingent Fund of the Assembly; and the Controller is hereby instructed to draw his warrant on the State Treasurer for said amount, and the Treasurer is hereby authorized to pay the same.

No. XXVIII.—*Concurrent Resolution.*

[Adopted March 9, 1866.]

Mileage allowed.

Resolved, By the Senate, the Assembly concurring, that thirty dollars and fifty cents, payable half out of the Contingent Fund of the Senate, and half out of the Contingent Fund of the Assembly, be allowed John H. Moran for mileage and service of papers by order of Chairman of committee appointed to investigate affairs of the Controller of State.

No. XXIX.—*Concurrent Resolution.*

[Adopted March 9, 1866.]

Post Office and weekly mail.

Resolved, By the Senate, the Assembly concurring, that our Senators are instructed and our Representatives in Congress are requested to use all means within their power to procure the establishment of a Post Office at New River, in the County of Trinity, State of California, and of a mail route from Trinity Post Office, on route Number Fourteen Thousand Eight Hundred and Forty-nine, by way of the Forks of New River, to Hoopa Valley Post Office, with a weekly mail service on said route.

No. XXX.—*Concurrent Resolution.*

[Adopted March 20, 1866.]

Committee
Sergeant-at-
arms dis-
charged.

Resolved, By the Senate, the Assembly concurring, that the Sergeant-at-Arms of the Committee to Investigate Affairs of the Insane Asylum be and he is hereby discharged.

No. XXXI.—Concurrent Resolution.

[Adopted March 17, 1866.]

Resolved, By the Senate, the Assembly concurring, that the Governor be and is hereby requested to return Senate Bill Number Three Hundred and Thirteen, (313,) entitled an Act to amend an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three.

No. XXXII.—Concurrent Resolution.

[Adopted March 17, 1866.]

Resolved, By the Senate, the Assembly concurring, that George A. Pendleton, County Clerk of San Diego County, be and he is hereby granted leave of absence from this State for the period of four months, at such time as he may select during his term of office; *provided*, that the said County Clerk shall leave a competent deputy in his office for the transaction of business.

No. XXXIII.—Concurrent Resolution.

[Adopted April 2, 1866.]

Resolved, By the Senate, Assembly concurring, that our Senators and Representatives in Congress be requested to procure the passage of a bill granting the right of way over the unoccupied and uninclosed public lands to all owners of ditches, flumes, and canals who distribute water for mining, mechanical, or agricultural purposes, and that they also be granted the use and occupation of so much of the unoccupied and uninclosed public land as may be required for reservoirs for the collection and distribution of water for mining and other purposes; and that the Governor be requested to transmit by telegraph and mail a copy of this resolution to each of our Senators and Representatives in Congress.

No. XXXIV.—Joint Resolution.

[Adopted April 2, 1866.]

Resolved, By the Senate and the Assembly, that the Enrolling Clerk of the Senate be and he is hereby authorized and required

Insertion of enacting clause. to insert the enacting clause in Senate bill Number Three Hundred and Sixty-eight, an Act to authorize the Controller of State to credit F. S. Lardner, late Treasurer of Sacramento County, with certain moneys lost by the Collector, and to authorize the Auditor of Sacramento County to credit James McClatchy, late Sheriff of Sacramento County, for certain lost licenses.

No. XXXV.—*Concurrent Resolution.*

[Adopted April 2, 1866.]

Suspension of rule. *Resolved*, By the Senate, the Assembly concurring, that the Fifteenth Joint Rule of the Senate and Assembly be and the same is hereby suspended for the day.

Resolved, That the Secretary of the Senate be and he is hereby instructed to transmit a copy of this resolution to His Excellency the Governor immediately.

No. XXXVI.—*Concurrent Resolution.*

[Approved April 2, 1866.]

Adulteration of native wine and brandy. *Resolved*, By the Senate, the Assembly concurring; whereas, the State of California is becoming largely a producer of wines and brandy of the pure juice of the grape; and, whereas, certain persons are manufacturing and selling to the public a spurious article in imitation of the same, greatly to the injury of the business of the vine growers of the State, and the health of those unsuspectingly using such fraudulent imitations and adulterations; therefore, be it

Resolved, That our Senators and Representatives in Congress be requested to urge upon that body the propriety and justice of the passage of such laws as will make such fraudulent practices a penal offence.

Resolved, That the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

No. XXXVII.—*Concurrent Resolution.*

[Adopted March 31, 1866.]

Distribution of revenue laws. *Resolved*, By the Senate, the Assembly concurring, that the Controller of State be and is hereby authorized and required to collate the laws relating to the levy of taxes and collection of revenue in this State that may be in force at the close of the

present session of the Legislature, and with all practicable dispatch to cause one thousand nine hundred and twenty copies thereof, in pamphlet form, to be published and distributed to the various county, district, and township officers intrusted with the execution of said laws, together with such forms and instructions as may be deemed necessary to insure their uniform operation and faithful execution.

No. XXXVIII.—*Concurrent Resolution.*

[Adopted April 2, 1866.]

Resolved, By the Senate, the Assembly concurring, that H. ^{Claim allowed.} Orman, Jr. be and is hereby allowed the sum of one hundred and thirty-three dollars for expenses incurred by him in summoning witnesses before the Insane Asylum Investigating Committee; and the Controller is hereby instructed to draw his warrants on the State Treasurer for said amount, and the Treasurer is hereby authorized to pay the same, one half out of the Contingent Fund of the Senate and one half out of the Contingent Fund of the Assembly.

No. XXXIX.—*Concurrent Resolution.*

[Approved March 31, 1866.]

WHEREAS, General Winfield Scott Hancock, for years before the commencement of the late rebellion, was a resident of this State; and whereas, during the rebellion he has shown a stern and uncompromising loyalty to the Government of the United States, great and brilliant ability as a military leader, such as is rarely found in one of his age; therefore, be it

Resolved, By the Senate, the Assembly concurring, that we most earnestly indorse General Winfield Scott Hancock to the President of the United States and to Congress for promotion in the regular army.

Resolved, That His Excellency the Governor be requested to furnish a copy of these preambles and resolutions to the President and to each of our Senators and Representatives in Congress.

No. XL.—*Concurrent Resolution.*

[Approved March 31, 1866.]

Resolved, By the Senate, the Assembly concurring, that in view of the present extraordinary condition of national affairs,

it is proper that the Legislature of the loyal State of California make the following declarations:

Confederate States should not be allowed representation in Congress until guarantees are given for security in future.

First—That although “indemnity for the past” has not been, and could not, in the nature of things, be obtained by the recent triumph of our national arms in the great civil war, the late so-called Confederate States ought not to be represented in Congress, nor permitted the full exercise of civil power within their own limits, or to resume their positions as States of the Union in full fellowship therein, until adequate guarantees of “security for the future” and of the maintenance of the nation’s faith are incorporated in the Constitution of the United States, and frankly, fully, and in good faith indorsed or adopted by the people of said so-called Confederate States, and so made practically irreversible.

Second—That the alarming pretence recently set up to the contrary of this by those in sympathy with the unsubdued spirit of the rebellion is incompatible with the course pursued by the President, and approved by the Secretary of State, in instituting provisional or military governments in the rebel States, (after the cessation of hostilities, and the surrender of the rebel armies,) and in refusing to withdraw such temporary military governments until the ratification of the constitutional amendment abolishing slavery.

Third—That while we agree with the position then taken by the President, that those States had no right to resume domestic civil power, or to send representatives to Congress until they should fulfil certain conditions precedent, in determining the terms of which they should have no voice, we deny the right of the executive branch of the Government to determine the nature or extent of such conditions.

Fourth—That all questions pertaining to the status of the late rebel States, their just relations to the national Union, and the time and method of their restoration thereto, belong to the legislative and not to the executive department of the Federal Government; therefore, the measure of the guarantees which may be necessary for the future peace and security of the nation can be authoritatively determined only by the Congress of the United States, and that any attempt by the National Executive to control the questions, would be an invasion of the rightful authority of the people, and dangerous to republican liberty.

Approval of amendment abolishing slavery.

Fifth—That because the second clause of the latest constitutional amendment, which empowers Congress to carry into effect by federal enactment the first clause, abolishing slavery, would obviously be a dead letter with a Congress composed of the enemies of liberty, and because the present constitutional basis of representation is, under the new order of things, manifestly partial and unequal, we approve the spirit of the proposed constitutional amendment which has already received a two thirds vote in the House of Representatives, and which is now pending in the Senate, and our Senators are hereby requested to yield the same their full support, to the end that the late so-called Confederate States may, when admitted, be reduced to an equality, as to representation, with the loyal States.

Sixth—That the adoption of this and such other amendments

to the Constitution as Congress may propose and the loyal States ratify, ought to be held as conditions precedent to the restoration of civil power in the late so-called Confederate States, and the admission of their Senators and Representatives to seats in Congress.

Seventh—That we have full confidence in the wisdom, integrity, and moderation of the present Congress; that the Freedmen's Bureau Bill which recently passed that body appears to have been a well considered and constitutional measure, having only in view the maintenance of the pledged faith of the nation, and that the refusal of the President to give it his assent, taken together with his implied purpose to veto all measures affecting the late rebel States unless their representatives are first admitted to vote for or against such measures, are totally indefensible, and an assumption of dictatorial power justly calculated to awaken the gravest apprehensions in the minds of a people jealous of their liberties.

Eighth—That all fears for the future of the Republic are silenced by an abiding faith in the patriotism, power and purpose, the constancy, conscience, and courage of the loyal people, who have thus far proven equal to every emergency, and will continue so to the end.

No. XLI.—*Concurrent Resolution.*

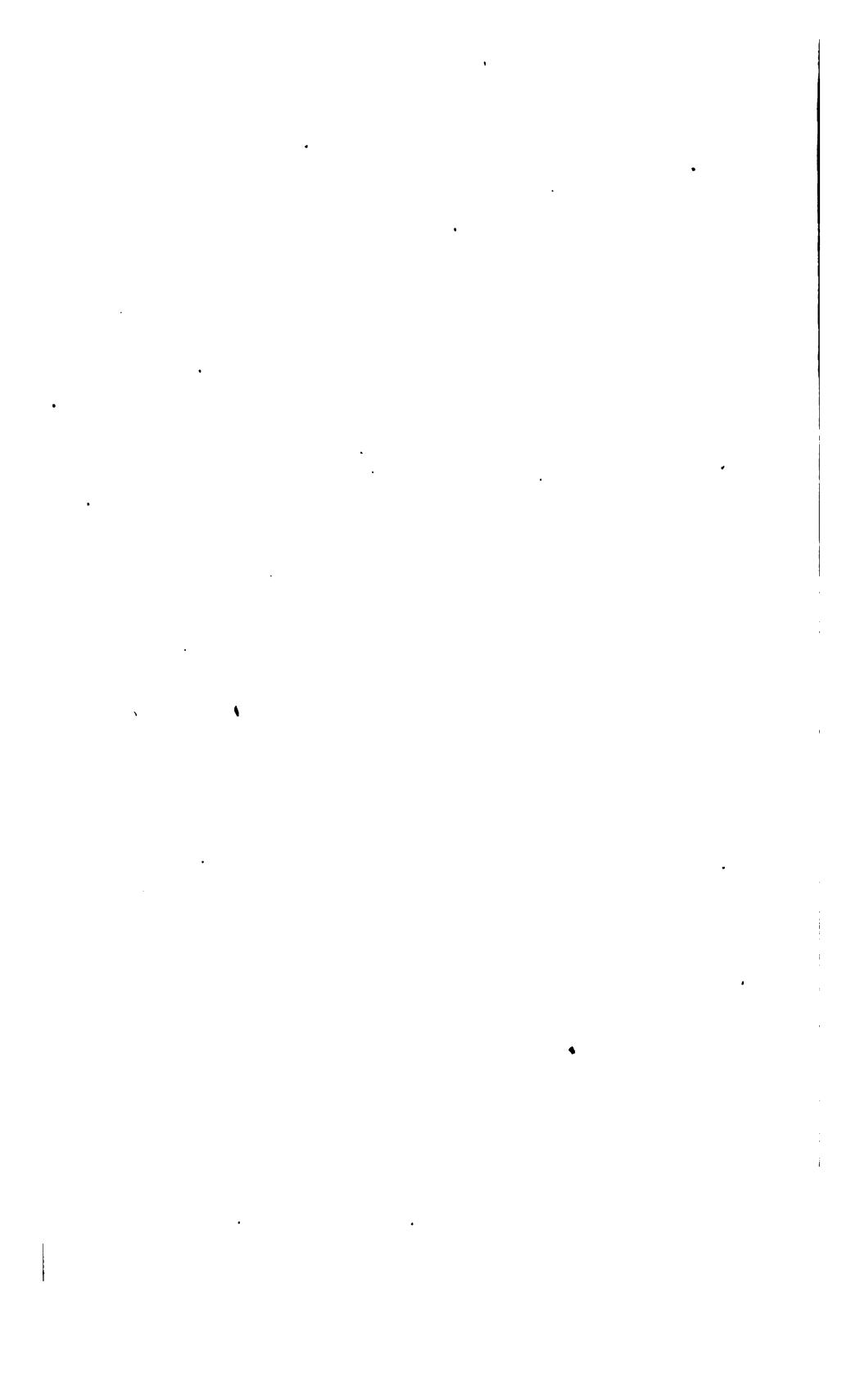
[Adopted March 24, 1866.]

Resolved, By the Senate, the Assembly concurring, that J. F. Houghton, Surveyor-General of this State, be and hereby is granted leave of absence from the State for the period of six months at such time as he may select, between the first day of April, eighteen hundred and sixty-six, and May first, eighteen hundred and sixty-seven, during his present term of office; provided, he shall leave a competent and responsible deputy in his office during his absence.

Leave of absence to Surveyor-Gen'l.

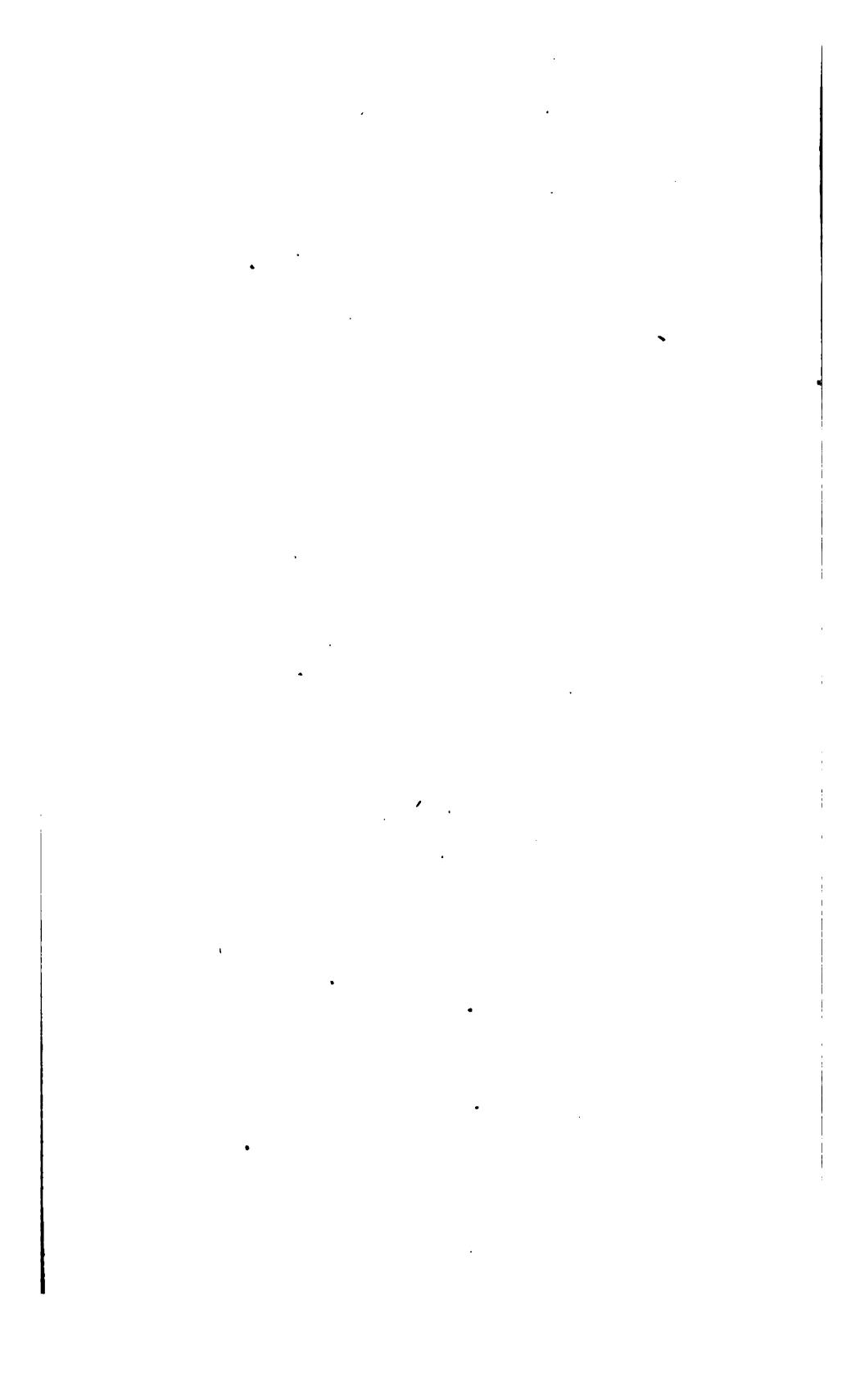


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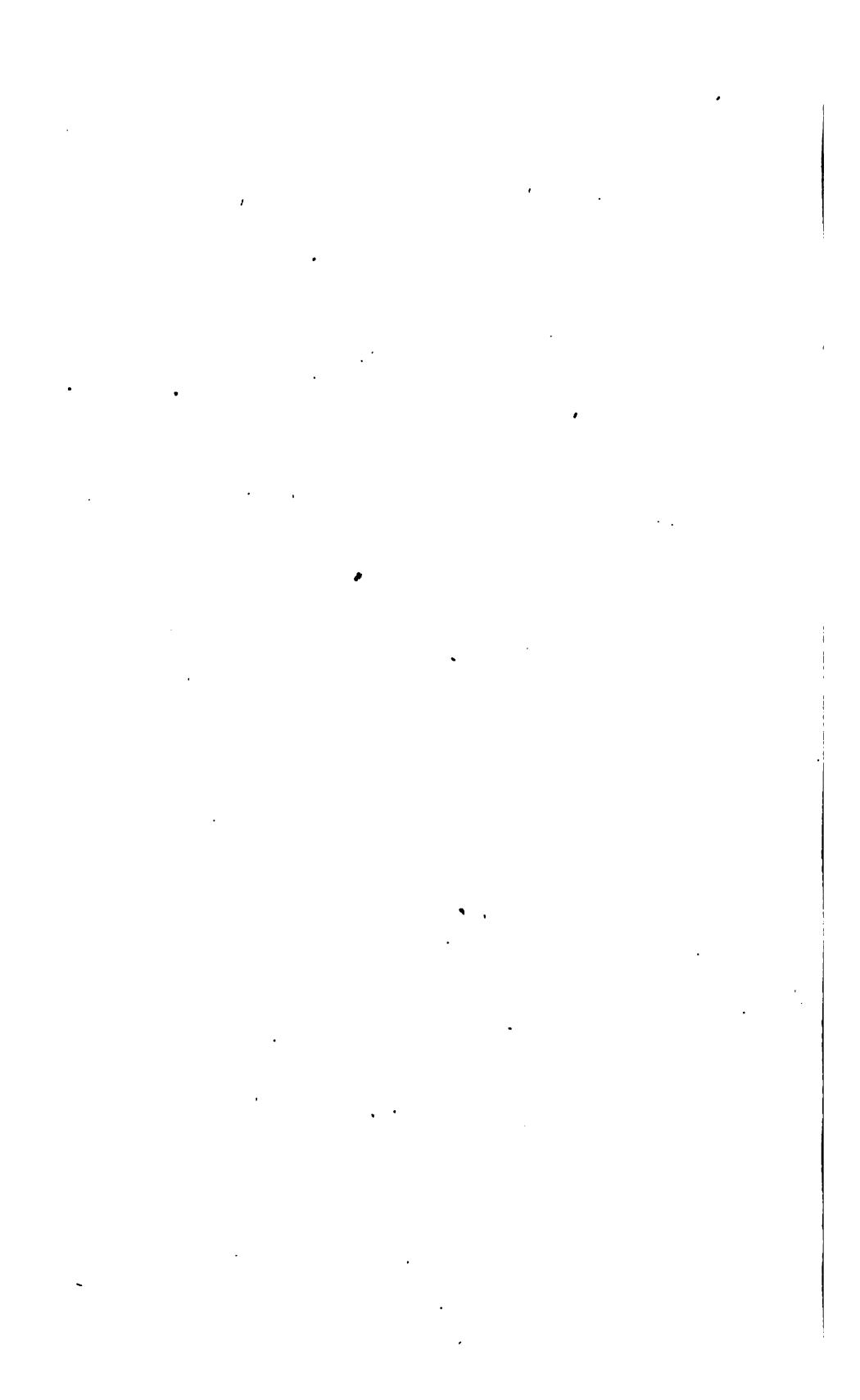
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R E P O R T
OF THE
TREASURER OF CALIFORNIA
ON THE
STATE OF THE TREASURY,

**From December 1st, 1863, to June 30th, 1864, inclusive, and for the
Sixteenth Fiscal Year, ending June 30th, 1865:**

AUTHORIZED UNDER ACT APPROVED MARCH 16TH, 1863.

O. M. CLAYES.....STATE PRINTER.

REPORT.

STATE OF CALIFORNIA, TREASURY DEPARTMENT, }
Sacramento, November 6th, 1865. }

To His Excellency,
Governor F. F. Low:

SIR:—I hand you herewith, as required by law, a full exhibit of all moneys received into and paid out of the Treasury from December first, eighteen hundred and sixty-three, up to June thirtieth, eighteen hundred and sixty-five, inclusive.

Very respectfully,

Your obedient servant,

R. PACHECO,
Treasurer.

REPORT.

TO THE LEGISLATURE:

I take pleasure in submitting this my report, comprising the transactions in all the Funds, with their respective balances, from the first day of December, eighteen hundred and sixty-three, up to the last day of June, eighteen hundred and sixty-five, in which is also included a full exhibit of United States legal tender notes now in the Treasury, amount, and from what sources derived.

Also, a statement showing the action had relative to State Bonds, the amount redeemed, amount sold, and the amount now on deposit in the vault to the credit of School and Seminary Funds.

Also, State Debt, interest account, with balance of interest money on hand June thirtieth, eighteen hundred and sixty-five. Coupons for the same are promptly paid when due and presented.

Respectfully submitted,

R. PACHECO,
Treasurer.

SACRAMENTO, November 6th, 1865.

P. S.—A supplemental statement is annexed, giving the balances in all the Funds, and the total balance in the Treasury on the thirty-first day of October, eighteen hundred and sixty-five.

RECEIPTS INTO THE STATE TREASURY

From December 1, 1863, to June 30, 1864, inclusive.

Received.	Amounts.
From County Treasurer of Alameda.....	\$30,974 89
From County Treasurer of Amador	22,075 67
From County Treasurer of Butte	80,581 78
From County Treasurer of Calaveras	14,021 26
From County Treasurer of Colusa.....	6,116 54
From County Treasurer of Contra Costa.....	5,284 98
From County Treasurer of Del Norte.....	4,493 88
From County Treasurer of El Dorado	40,921 19
From County Treasurer of Fresno	7,901 62
From County Treasurer of Humboldt	13,061 07
From County Treasurer of Klamath	4,117 87
From County Treasurer of Lake.....	1,613 68
From County Treasurer of Los Angeles.....	16 47
From County Treasurer of Marin	11,051 21
From County Treasurer of Mariposa	4,583 95
From County Treasurer of Mendocino	7,597 15
From County Treasurer of Merced	6,910 00
From County Treasurer of Monterey.....	4,160 84
From County Treasurer of Napa.....	18,277 97
From County Treasurer of Nevada.....	80,257 83
From County Treasurer of Placer	87,435 56
From County Treasurer of Plumas.....	12,636 18
From County Treasurer of Sacramento.....	70,044 48
From County Treasurer of San Bernardino.....	2,894 99
From County Treasurer of San Diego	1,684 86
From County Treasurer of San Francisco	214,838 60
From County Treasurer of San Joaquin	44,084 68
From County Treasurer of San Luis Obispo.....	4,880 88
From County Treasurer of San Mateo.....	14,983 52
From County Treasurer of Santa Barbara	4,570 12
From County Treasurer of Santa Clara.....	15,783 88
From County Treasurer of Santa Cruz	2,501 71
From County Treasurer of Shasta.....	6,820 79
From County Treasurer of Sierra	5,024 67
From County Treasurer of Siskiyou	21,796 54
From County Treasurer of Solano.....	11,280 06
From County Treasurer of Sonoma.....	26,043 05
From County Treasurer of Stanislaus	6,052 40
From County Treasurer of Sutter	5,739 77
From County Treasurer of Tehama	3,166 67
From County Treasurer of Trinity	9,261 90
From County Treasurer of Tulare	7,640 04
From County Treasurer of Tuolumne	16,795 06

RECEIPTS—Continued.

Received.	Amounts.
From County Treasurer of Yolo	\$20,397 48
From County Treasurer of Yuba.....	34,373 07
Total from County Treasurers	<u>\$863,499 21</u>
RECEIPTS FROM OTHER SOURCES.	
From sale of Stamps	63,559 69
From Stamp Inspectors	502 00
From Commissioner of Immigration.....	28,855 80
From Secretary of State.....	9,885 70
From State Board of Harbor Commissioners.....	37,020 21
From San Francisco Homestead Associations.....	920 65
From Attorney-General—from G. R. Warren's sureties—in United States notes.....	10,000 00
From Surveyor-General, under Act of April 4th, 1864, page 506—concerning Eastern Boundary.....	1,833 50
From S. F. Reynolds—Court fees from San Francisco County	182 66
From Administrator—Estate of D. Pearley.....	52 00
From sale of Soldiers' Relief Bonds.....	46,800 00
Total from all sources.....	<u>\$1,058,111 42</u>
Balance in Treasury, December 1, 1863.....	697,173 72
Total	<u><u>\$1,755,285 14</u></u>
EXPENDITURES.	
From December 1, 1863, to June 30, 1864, inclusive.....	\$1,401,818 59
Balance in State Treasury, June 30, 1864.....	353,466 55
Total.....	<u><u>\$1,755,285 14</u></u>

S T A T E M E N T

Showing the Balances in all the Funds, and the Total Balance in the State Treasury, July 1, 1864, commencement of Sixteenth Fiscal Year.

Funds.	Balances.
General Fund	\$25,723 34
School Fund.....	57,493 90
Interest and Sinking Fund of 1857.....	90,578 92
Interest and Sinking Fund of 1860.....	4,087 71
State Capitol Fund.....	106 41
Insane Asylum Fund.....	558 66
Soldiers' Relief Interest Fund	2,580 79
Pacific Railroad Interest Fund.....	442 32
Soldiers' Bounty Interest Fund	663 48
State Prison Fund.....	278 11
Line Officers' Interest Fund	55 29
Military Fund	969 19
Swamp Land Fund.....	64,332 09
State School Land Fund.....	418 78
Estates of Deceased Persons' Fund	1,054 46
Library Fund	11,314 75
Hospital Fund.....	28,267 68
Seminary Fund.....	319 48
Public Building Fund.....	434 67
Federal Tax Fund.....	.....
Legislative Fund	408 87
Soldiers' Relief Fund.....	16,689 45
War Bond Fund	38,276 43
Wharf and Dock Fund	7,190 86
Swamp Land District No. 1 ..	871 64
Swamp Land District No. 2	31 59
Swamp Land District No. 17	318 18
Total in State Treasury, July 1, 1864.....	\$353,466 55

RECEIPTS INTO THE STATE TREASURY

From July 1, 1864, to June 30, 1865, inclusive, Sixteenth Fiscal Year.

Received.	Amounts.
From County Treasurer of Alameda.....	\$55,899 82
From County Treasurer of Alpine.....	1,526 71
From County Treasurer of Amador	28,409 44
From County Treasurer of Butte.....	42,463 39
From County Treasurer of Calaveras	31,951 03
From County Treasurer of Colusa.....	15,758 32
From County Treasurer of Contra Costa.....	22,495 29
From County Treasurer of Del Norte.....	5,753 39
From County Treasurer of El Dorado.....	64,949 41
From County Treasurer of Fresno	9,812 45
From County Treasurer of Humboldt	24,146 70
From County Treasurer of Klamath.....	3,567 76
From County Treasurer of Lake.....	3,492 51
From County Treasurer of Lassen	1,934 59
From County Treasurer of Los Angeles	20,167 55
From County Treasurer of Marin.....	19,274 72
From County Treasurer of Mariposa.....	15,947 06
From County Treasurer of Mendocino	15,333 50
From County Treasurer of Merced.....	8,016 31
From County Treasurer of Monterey.....	10,302 22
From County Treasurer of Napa	30,149 43
From County Treasurer of Nevada.....	56,627 71
From County Treasurer of Placer.....	67,342 24
From County Treasurer of Plumas.....	18,468 63
From County Treasurer of Sacramento.....	117,635 87
From County Treasurer of San Bernardino	1,841 15
From County Treasurer of San Diego	966 86
From County Treasurer of San Francisco.....	867,771 66
From County Treasurer of San Joaquin.....	71,143 16
From County Treasurer of San Luis Obispo.....	3,776 74
From County Treasurer of San Mateo	24,968 47
From County Treasurer of Santa Barbara	3,454 89
From County Treasurer of Santa Clara	73,928 35
From County Treasurer of Santa Cruz.....	11,442 77
From County Treasurer of Shasta.....	21,863 38
From County Treasurer of Sierra	29,588 32
From County Treasurer of Siskiyou	30,834 37
From County Treasurer of Solano.....	33,585 70
From County Treasurer of Sonoma.....	47,499 72
From County Treasurer of Stanislaus.....	9,321 73
From County Treasurer of Sutter.....	2,377 49
From County Treasurer of Tehama	17,518 08
From County Treasurer of Trinity	11,777 14
From County Treasurer of Tulare.....	8,469 67
From County Treasurer of Tuolumne	26,437 73

RECEIPTS—Continued.

Received.	Amounts.
From County Treasurer of Yolo	\$31,959 07
From County Treasurer of Yuba.....	59,685 81
Total from County Treasurers.....	\$2,080,638 31
RECEIPTS FROM OTHER SOURCES.	
From sale of Stamps.....	138,405 87
From Stamp Inspectors.....	1,782 00
From Commissioner of Immigration.....	14,017 65
From Harbor Commissioners.....	101,664 00
From Secretary of State.....	5,098 40
From Senator Hawes—per diem returned.....	165 00
Frem Attorney-General—from sureties of G. R. Warren —in United States notes	1,430 30
From Attorney-General—money accruing from proceed- ings had to condemn lands at Point San Quentin.....	15,887 50
From Surveyor-General, under Act of April 4th, 1864, page 506—concerning Eastern Boundary.....	808 45
From Register of State Land Office	2,049 31
From Controller of State—certificates issued to foreign insurance companies.....	90 00
From interest on bonds in School Fund	24,762 50
From sale of Soldiers' Bounty Bonds.....	39,600 00
From sale of Soldiers' Relief Bonds.....	167,025 00
From coupon money returned to Interest and Sinking Fund of 1857.....	4,531 69
Total Receipts.....	\$2,592,955 48
Balance of June 30, 1864, brought forward	358,466 55
Total	\$2,946,422 03
EXPENDITURES	
<i>From July 1, 1864, to June 30, 1865, inclusive, Sixteenth Fiscal Year.</i>	
Paid Controller's Warrants	\$2,282,430 10
Paid Tulare County Commissioners' Receipt, under Act of March 15th, 1864, page 167, "To create a Board of Commissioners," etc.....	5,249 32
Paid Register of State Land Office Certificates, under Act of April 27th, 1863, page 591, "To provide for the sale of certain lands belonging to the State"	3,830 03
Balance on hand, June 30, 1865.....	654,912 58
Total	\$2,946,422 03

GENERAL FUND.

Statement showing the transactions in the General Fund for the Sixteenth Fiscal Year, ending June 30, 1865.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$25,723 34	
Transfer from Soldiers' Relief Interest Fund.....	8,432 61	
Transfer from Soldiers' Bounty Interest Fund	99,323 22	
Transfer from Line Officers' Interest Fund	4,941 92	
Transfer from Federal Tax Fund	187 43	
From County Treasurers, Attorney-General, sale of stamps, and other sources, (see pages 8 and 9).....	1,087,758 54	
Transfer to School Fund .....	.....	\$11,140 05
Transfer to Swamp Land Fund .....	.....	50,000 00
Transfer to Interest and Sinking Fund of 1857.....	.....	87,782 15
Transfer to School Land Fund.....	.....	8,750 00
Paid Controller's Warrants.....	.....	948,590 41
June 30, 1865—Balance in Fund.....	.....	170,104 45
	\$1,221,367 06	\$1,221,367 06

SCHOOL FUND.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$57,493 90	
Interest on bonds purchased for School Fund.....	24,762 50	
From County Treasurers.....	121,819 06	
Transfer from General Fund	19,890 05	
Paid Controller's Warrants.....	.....	\$189,076 95
June 30, 1865—Balance in Fund.....	.....	34,888 55
	\$228,965 50	\$228,965 50

INTEREST AND SINKING FUND OF 1857.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund	\$90,578 92	
From County Treasurers.....	357,396 72	
Transfer from General Fund.....	37,782 15	
Transfer—Coupon money.....	4,581 69	
Paid Controller's Warrant for semi-annual interest on outstanding Civil Bonds....	.....	\$130,462 50
Paid Controller's Warrants for redemption of Civil Bonds .....	.....	224,109 99
June 30, 1865—Balance in Fund .....	.....	135,716 99
	<hr/>	<hr/>
	\$490,289 48	\$490,289 48

INTEREST AND SINKING FUND OF 1860.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$4,087 71	
From County Treasurers'	16,588 91	
Paid Controller's Warrant for semi-annual interest on outstanding Civil Bonds....	.....	\$6,947 50
June 30, 1865—Balance in Fund.....	.....	13,729 12
	<hr/>	<hr/>
	\$20,676,62	\$20,676 62

STATE CAPITOL FUND.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$106 41	
From County Treasurers.....	66,132 72	
Paid Controller's Warrants for construction of State Capitol.....		\$65,367 89
June 30, 1865—Balance in the Fund.....		871 24
	\$66,239 13	\$66,239 13

INSANE ASYLUM FUND.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$558 66	
From County Treasurers.....	66,114 78	
Paid Controller's Warrants for construction of Asylum.....		\$65,986 24
June 30, 1865—Balance in Fund.....		687 20
	\$66,673 44	\$66,673 44

SOLDIERS' RELIEF INTEREST FUND.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$2,580 79	
From County Treasurers.....	52,096 22	
Paid Controller's Warrants for redemption of Soldiers' Relief Bonds.....	.....	\$35,000 00
Paid Controller's Warrants for interest on Soldiers' Relief Bonds.....	.....	1,820 00
Transfer to General Fund.....	.....	3,432 61
June 30, 1865—Balance in Fund.....	.....	14,424 40
	<hr/> \$54,677 01	<hr/> \$54,677 01

PACIFIC RAILROAD INTEREST FUND.

Transactions for Sixteenth Fisocal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$442 32	
From County Treasurers.....	103,386 25	
Paid Controller's Warrants for interest on Railroad Bonds.....	.....	\$52,500 00
June 30, 1865—Balance in Fund.....	.....	51,328 57
	<hr/> \$103,828 57	<hr/> \$103,828 57

SOLDIERS' BOUNTY INTEREST FUND.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$663 48	
From County Treasurers.....	155,069 37	
Transfer to General Fund.....		\$99,323 22
June 30, 1865—Balance in Fund.....		56,409 63
	\$155,732 85	\$155,732 85

STATE PRISON FUND.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$278 11	
From County Treasurers.....	65,069 39	
Paid Controller's Warrants for construction at San Quentin.....		\$64,847 54
June 30, 1865—Balance in Fund.....		499 96
	\$65,347 50	\$65,347 50

LINE OFFICERS' INTEREST FUND.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$55 29	
From County Treasurers.....	12,924 39	
Transfers to General Fund.....		\$4,941 92
June 30, 1865—Balance in Fund.....		8,037 76
	\$12,979 68	\$12,979 68

MILITARY FUND.*Transactions for Sixteenth Fiscal Year.*

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$969 19	
From County Treasurers.....	68,777 17	
Paid Controller's Warrants.....	.....	\$59,800 60
June 30, 1865—Balance in Fund.....	.....	4,945 76
	<hr/>	<hr/>
	\$64,746 36	\$64,746 36

SWAMP LAND FUND.*Transactions for Sixteenth Fiscal Year.*

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$64,332 09	
From County Treasurers.....	30,194 47	
Transfer from General Fund.....	50,000 00	
Paid Controller's Warrants.....	.....	\$14,584 54
Transfer to Swamp Land District No. 2	.....	1,863 63
Transfer to Swamp Land District No. 38	.....	1,544 89
Transfer to Swamp Land District No. 18	.....	33,774 69
Transfer to Swamp Land District No. 5	.....	6,405 87
Transfer to Swamp Land District No. 39	.....	1,699 80
Transfer to Swamp Land District No. 4	.....	2,167 10
Transfer to Swamp Land District No. 8	.....	1,914 08
Transfer to Swamp Land District No. 7	.....	2,279 10
Transfer to Swamp Land District No. 16	.....	9,301 44
Paid Certificates of Transfer under Act of April 27, 1863—sec. 19, page 597— “To provide for the sale of certain lands belonging to the State,”.....	.....	9,079 85
June 30, 1865—Balance in Fund.....	.....	59,912 12
	<hr/>	<hr/>
	\$144,526 56	\$144,526 56

STATE SCHOOL LAND FUND.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$418 78	
From County Treasurers.....	18,498 29	
Paid Controller's Warrant for the purchase of Soldiers' Relief Bonds for School Fund.....		\$11,550 00
June 30, 1865—Balance in Fund.....	..... \$18,917 07	2,367 07 \$13,917 07

HOSPITAL FUND.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$28,267 68	
From Commissioner of Immigration.....	14,017 65	
Paid Controller's Warrants for support of County Hospitals and Indigent Sick.....	.....	\$30,788 23
June 30, 1865—Balance in Fund.....	..... \$42,285 33	11,497 10 \$42,285 33

ESTATES OF DECEASED PERSONS' FUND.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$1,054 46	
From County Treasurers.....	1,354 95	
June 30, 1865—Balance in Fund.....	.....	\$2,409 41
	<hr/>	<hr/>
	\$2,409 41	\$2,409 41

SEMINARY FUND.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$319 48	
From County Treasurers.....	2,721 57	
Paid Controller's Warrant for the purchase of Soldiers' Relief Bonds for Seminary Fund.....	.....	\$2,475 00
June 30, 1865—Balance in Fund.....	.....	566 05
	<hr/>	<hr/>
	\$3,041 05	\$3,041 05

P U B L I C B U I L D I N G F U N D .

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$434 67	
From County Treasurers.....	139 62	
June 30, 1865—Balance in the Fund.....	.....	\$574 29
	\$574 29	\$574 29

W H A R F A N D D O C K F U N D .

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$7,190 86	
From State Board of Harbor Commissioners.....	101,664 00	
Paid Controller's Warrants for construction of wharf and dock in San Francisco.....	.....	\$79,264 84
June 30, 1865—Balance in Fund.....	.....	29,590 02
	\$108,854 86	\$108,854 86

LEGISLATIVE FUND.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$408 37	
Paid Controller's Warrants.....	.....	\$287 00
June 30, 1865—Balance in Fund.....	.....	121 87
	\$408 37	\$408 37

WAR BOND FUND.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$38,276 48	
Paid Controller's Warrants.....	.....	\$8,691 36
Transfer to "Special Fund," and paid to Wm. C. Kibbe, under Act of April 9, 1862—section 3, page 181.....	.....	1,248 99
June 30, 1865—Balance in Fund.....	.....	28,336 08
	\$38,276 48	\$38,276 48

FEDERAL TAX FUND.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$449 18	
Transfer to General Fund.....	.....	\$187 43
June 30, 1865—Balance in Fund.....	.....	261 75
	\$449 18	\$449 18

S O L D I E R S' R E L I E F F U N D.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund.....	\$16,689 45	
From sale of Soldiers' Relief Bonds.....	167,025 00	
Paid Controller's Warrants on Soldiers' Relief Fund.....	.....	\$180,232 89
June 30, 1865—Balance in Fund.....	.....	3,481 56
	\$183,714 45	\$183,714 45

SOLDIERS' BOUNTY FUND.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
December 24, 1864—From sale of Soldiers' Bounty Bonds.....	\$39,600 00	
Paid Controller's Warrants on Soldiers' Bounty Fund.....	.....	\$38,810 00
June 30, 1865—Balance in Fund.....	.....	790 00
	<hr/>	<hr/>
	\$39,600 00	\$39,600 00

SWAMP LAND DISTRICT NO. 1.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund..... From County Treasurers.....	\$871 64 1,741 79	
Paid Controller's Warrants.....	.....	\$2,478 11
June 30, 1865—Balance in Fund.....	.....	135 32
	<hr/>	<hr/>
	\$2,613 48	\$2,613 48

SWAMP LAND DISTRICT No. 2.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1860—Balance in the Fund.....	\$31 59	
From County Treasurers.....	1,981 90	
Transfer from Swamp Land Fund.....	1,863 63	
Paid Controller's Warrants.....		\$3,860 75
June 30, 1865—Balance in Fund.....		16 37
	\$3,877 12	\$3,877 12

SWAMP LAND DISTRICT No. 4.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
November, 1864—Transfer from Swamp Land Fund.....	\$2,167 10	
From County Treasurers.....	149 65	
Paid Controller's Warrants.....		\$1,218 50
June 30, 1865—Balance in Fund.....		1,098 25
	\$2,316 75	\$2,316 75

SWAMP LAND DISTRICT No. 5.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July, 1864—Transfer from Swamp Land Fund.....	\$6,405 87	
From County Treasurers.....	1,727 08	
Paid Controller's Warrants.....	.....	\$7,966 11
June 30, 1865—Balance in Fund.....	.....	166 84
	<hr/>	<hr/>
	\$8,132 95	\$8,132 95

SWAMP LAND DISTRICT No. 7.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
March, 1865—Transfer from Swamp Land Fund.....	\$2,279 10	
Paid Controller's Warrants.....	.....	\$204 00
June 30, 1865—Balance in Fund.....	.....	2,075 10
	<hr/>	<hr/>
	\$2,279 10	\$2,279 10

SWAMP LAND DISTRICT No. 8.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
November, 1864—Transfer from Swamp Land Fund	\$1,914 08	
From County Treasurers.....	115 54	
Paid Controller's Warrants .....	.....	\$1,600 49
June 30, 1865—Balance in Fund.....	.....	429 08
	<hr/>	<hr/>
	\$2,029 57	\$2,029 57

SWAMP LAND DISTRICT No. 16.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
June, 1865—Transfer from Swamp Land Fund.....	\$9,301 44	
June 30—Balance in Fund.....	.....	\$9,301 44
	<hr/>	<hr/>
	\$9,301 44	\$9,301 44

SWAMP LAND DISTRICT No. 17.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July 1, 1864—Balance in the Fund	\$818 18	
From County Treasurers.....	4,781 39	
Paid Controller's Warrants.....	.....	\$4,761 45
June 30, 1865—Balance in Fund .....	.....	888 12
	<hr/>	<hr/>
	\$5,099 57	\$5,099 57

SWAMP LAND DISTRICT No. 18.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July, 1864—Transfer from Swamp Land Fund	\$33,774 69	
From County Treasurers.....	9,009 91	
Paid Controller's Warrants.....	.....	\$41,478 27
June 30, 1865—Balance in Fund.....	.....	1,311 33
	<hr/>	<hr/>
	\$42,784 60	\$42,784 60

SWAMP LAND DISTRICT No. 38.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July, 1864—Transfer from Swamp Land Fund	\$1,544 89	
From County Treasurers.....	257 89	
Paid Controller's Warrants.....	.....	\$1,758 65
June 30, 1865—Balance in Fund .....	.....	43 63
	\$1,802 28	
		\$1,802 28

SWAMP LAND DISTRICT No. 39.

Transactions for Sixteenth Fiscal Year.

	Receipts.	Payments.
July, 1864—Transfer from Swamp Land Fund.....	\$1,699 80	
Paid Controller's Warrants.....	.....	\$1,273 73
June 30, 1865—Balance in Fund.....	.....	426 07
	\$1,699 80	
		\$1,699 80

RECAPITULATION

Showing the Balances in all the Funds, and the Total Balance in the State Treasury, June 30, 1865, end of Sixteenth Fiscal Year.

Funds.	Balances.
1865.	
General Fund.....	\$170,104 45
School Fund.....	34,888 55
Interest and Sinking Fund of 1857	185,716 99
Interest and Sinking Fund of 1860	13,729 12
State Capitol Fund.....	871 24
Insane Asylum Fund.....	687 20
Soldiers' Relief Interest Fund.....	14,424 40
Pacific Railroad Fund	51,328 57
Soldiers' Bounty Interest Fund..	56,409 63
State Prison Fund.....	499 96
Line Officers' Interest Fund.....	8,087 76
Military Fund.....	4,945 76
Swamp Land Fund.....	59,912 12
State School Land Fund.....	2,367 07
Hospital Fund.....	11,497 10
Library Fund	8,020 58
Estates of Deceased Persons' Fund.....	2,409 41
Seminary Fund.....	566 05
Public Building Fund.....	574 29
Wharf and Dock Fund	29,590 02
Legislative Fund.....	121 37
War Bond Fund.....	28,336 08
Federal Tax Fund.....	261 75
Soldiers' Relief Fund.....	3,481 56
Soldiers' Bounty Fund.....	790 00
Swamp Land District No. 1	135 32
Swamp Land District No. 2	16 37
Swamp Land District No. 4	1,098 25
Swamp Land District No. 5	166 84
Swamp Land District No. 7	2,075 10
Swamp Land District No. 8	429 08
Swamp Land District No. 16.....	9,301 44
Swamp Land District No. 17.....	338 12
Swamp Land District No. 18.....	1,811 33
Swamp Land District No. 38.....	43 63
Swamp Land District No. 39.....	426 07
June 30—Total in State Treasury	\$654,912 58
NOTE.—The above balance consists in Coin.....	\$535,981 77
United States Legal Tender Notes	118,930 81
	\$654,912 58

UNITED STATES NOTES IN STATE TREASURY.

Received.	Amounts.
Oct. 17, 1863—From D. R. Ashley, late State Treasurer, balance of amount allowed by Government for suppression of Indian hostilities in California—War Bond Fund.....	<u>\$127,914 70</u>
EXPENDITURES.	
<i>From October 17, 1863, to June 30, 1865, inclusive.</i>	
Paid Controller's Warrants.....	\$27,698 95
Transferred to General Fund under Act of December 23, 1863—page 4.....	3,150 00
Transferred to General Fund, being the State's proportion of amount received from Government for suppression of Indian hostilities in California, under Act of February 20, 1850—Sec. 3, Wood's Digest, page 97.....	62,174 99
Transferred to a "Special" Five per cent Fund, under Act of April 9, 1862—page 181.....	6,554 68
June 30, 1865—Balance in Fund.....	28,836 08
	\$127,914 70

DETAILED STATEMENT.

United States Notes in State Treasury.

	Received.	Amounts.
1863.	From Secretary of State—(Rec'd by D. R. Ashley)	\$15 00
	From Treasurer of San Mateo County—(Received by D. R. Ashley).....	1,212 11
1864.	From Treasurer of Sonoma County—(Received by D. R. Ashley).....	136 00
	From Treasurer of San Francisco County, under Act of April 4, 1864, page 522.....	4,080 00
1865.	From sureties of G. R. Warren	11,430 80
	From Superintendent of Immigration	11,961 60
	From Treasurer of Humboldt County—(Received by D. R. Ashley).....	160 00
	From Treasurer of Yuba County—Sureties of defaulting county officer.....	4,201 80
	From Treasurer of Humboldt County—Estates of Deceased Persons.....	1,165 79
	From Treasurer of Butte County—Sureties of defaulting county officer	304 00
		\$34,666 60
	TRANSFER RECEIPTS.	
	From War Bond Fund, under Act of December 23, 1863, page 4.....	8,150 00
	From War Bond Fund—State's proportion received from Government for suppression of Indian hostilities.....	62,174 99
	From War Bond Fund, under Act of April 9th, 1862, page 181.....	6,554 68
	Total	\$106,546 27
	EXPENDITURES.	
1865.	Paid Controller's Warrants on General Fund.....	\$8,150 00
	Paid Controller's Warrants on "Special" Five per cent Fund	6,554 68
	Paid Controller's Warrants on Hospital Fund....	6,246 86
	Balance on hand June 30*.....	90,594 73
		\$106,546 27

* Concerning this balance, see next page.

The balance on hand, June thirtieth, of ninety thousand five hundred and ninety four dollars and seventy-three cents, belongs to the several Funds in amounts as follows:

Library Fund.....	\$15 00
School Land Fund.....	417 30
Swamp Land Fund.....	930 81
Hospital Fund.	5,714 74
Estates of Deceased Persons.....	1,325 79
General Fund.....	82,191 09
Total.....	\$90,594 73

TRANSACTIONS IN STATE BONDS.

Date.	Bonds Sold.	Amounts.
June, 1864....	State Board of Examiners, Soldiers' Relief Bonds for benefit of School Fund.....	\$45,000 00
	State Board of Examiners, Soldiers' Relief Bonds for benefit of Seminary Fund...	7,000 00
May, 1865....	State Board of Examiners, Soldiers' Relief Bonds for benefit of School Fund.....	14,000 00
	State Board of Examiners, Soldiers' Relief Bonds for benefit of Seminary Fund...	3,000 00
Dec., 1864.....	I. & S. Wormser, and D. O. Mills & Co., Soldiers' Relief Bonds.....	196,500 00
Dec., 1864.....	F. Livingston, Soldiers' Bounty Bonds...	45,000 00
June, 1865 ...	F. Livingston, Soldiers' Bounty Bonds...	8,000 00
Aug., 1865 ...	D. O. Mills & Co., Soldiers' Bounty Bonds	114,000 00
BONDS REDEEMED.		
April, 1864...	Civil Bonds of the State, from Interest and Sinking Fund of 1857.....	\$118,500 00
April, 1865...	Civil Bonds of the State, from Interest and Sinking Fund of 1857.....	219,000 00
Jan., 1865.....	Soldiers' Relief Bonds, from Soldiers' Relief Interest Fund.....	85,000 00
July, 1865....	Soldiers' Bounty Bonds, from Soldiers' Bounty Interest Fund.....	53,000 00

AMOUNT OF BONDS IN STATE TREASURY

For benefit of School and Seminary Funds.

Civil Bonds of 1857, for School Fund.....	\$606,000 00
Soldiers' Relief Bonds, for School Fund.....	59,000 00
Soldiers' Relief Bonds, for Seminary Fund.....	10,000 00

INTEREST ACCOUNT—STATE DEBT.

Showing the Balances on hand, July 1, 1864; also, Amounts Received and Paid, and the Balances on hand to meet Unpaid Coupons, June 30, 1865.

Civil Bonds.	Cash on hand, July 1, 1864.	Receipts.	Paid on Coupons.	Balances on hand, June 30, 1865.
1857.				
Coupons No. 3.....	\$35 00	.....	.....	\$85 00
Coupons No. 5.....	70 00	.....	\$35 00	35 00
Coupons No. 6.....	770 00	.....	52 50	717 50
Coupons No. 7.....	840 00	.....	52 50	787 50
Coupons No. 8.....	1,085 00	.....	140 00	945 00
Coupons No. 9.....	1,837 50	.....	402 50	1,435 00
Coupons No. 10.....	2,257 50	.....	927 50	1,330 00
Coupons No. 11.....	11,515 00	.....	10,605 00	910 00
Coupons No. 12.....	.....	\$180,462 50	128,642 50	1,820 00
Coupons No. 13.....	.....	180,462 50	116,105 00	14,357 50
1860.				
Coupons No. 1.....	35 00	.....	35 00	.....
Coupons No. 2.....	17 50	.....	17 50	.....
Coupons No. 3.....	17 50	.....	17 50	.....
Coupons No. 4.....	35 00	.....	17 50	17 50
Coupons No. 5.....	1,482 50	.....	1,465 00	17 50
Coupons No. 6.....	.....	6,947 50	6,930 00	17 50
Coupons No. 7.....	.....	6,947 50	5,320 00	1,627 50
June 30, 1865—Cash on hand.....				\$24,052 50
PACIFIC RAILROAD BONDS.				
Coupons No. 1	\$52,500 00		\$52,500 00	

MISCELLANEOUS APPROPRIATIONS

Paid from General Fund—Sixteenth Fiscal Year.

Support of State Reform School.....	\$7,616 29
Support of State Normal School.....	7,682 54
Support of Magdalen Asylum.....	1,875 00
Support of San Francisco Protestant Orphan Asylum ...	6,875 00
Support of Sacramento Orphan Asylum.....	750 00
Support of Los Angeles Orphan Asylum	1,500 00
Support of San Rafael Orphan Asylum.....	750 00
Support of San Francisco Catholic Orphan Asylum.....	2,500 00
Support of San Francisco Ladies' Protection and Relief Society.....	2,250 00
Support of Howard Benevolent Society	750 00
Support of Catholic Society, Santa Barbara.....	750 00
Support of Home for Inebriates	936 00
Support of Deaf, Dumb and Blind	8,750 00
To Overland Telegraph.....	6,000 00
State Premiums.....	1,650 00

SUPPLEMENTAL.



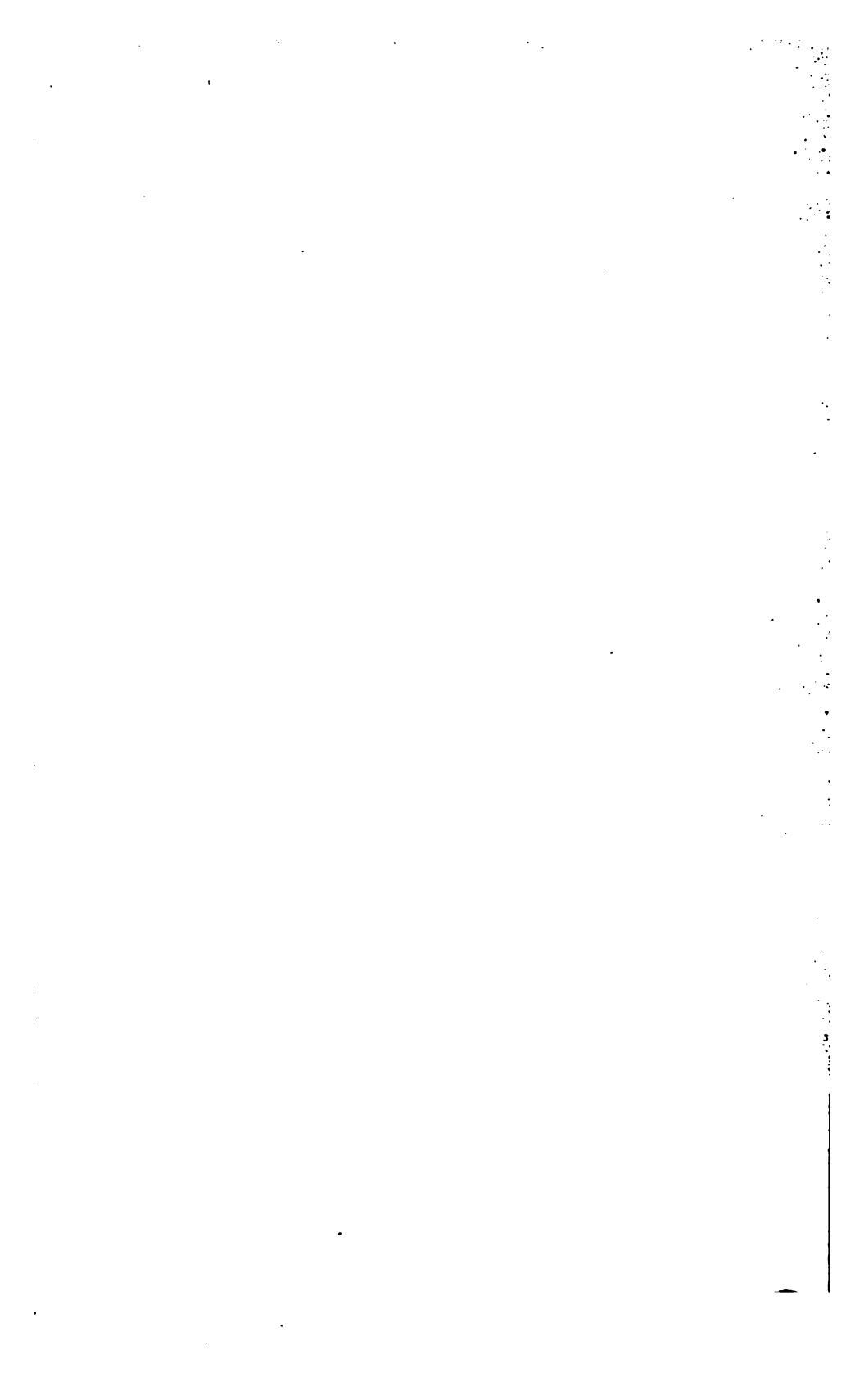
SUPPLEMENTAL STATEMENT

Showing the Balance in all the Funds, and the Amount Total in the State Treasury, October 31, 1865.

Funds.	Balances.
General Fund.....	\$271,409 82
School Fund.....	29,309 84
Interest and Sinking Fund of 1857.....	97,015 65
Interest and Sinking Fund of 1860.....	10,387 25
Capitol Fund.....	4,079 09
Insane Asylum Fund.....	538 73
Soldiers' Relief Interest Fund.....	18,405 50
Pacific Railroad Fund.....	21,599 66
Soldiers' Bounty Interest Fund.....	35,992 05
State Prison Fund.....	1,227 51
Line Officers' Interest Fund.....	10,888 70
Military Fund.....	9,892 62
Swamp Land Fund.....	111,965 38
School Land Fund.....	8,262 07
Hospital Fund.....	19,604 66
Library Fund.....	8,136 42
Estates of Deceased Persons' Fund.....	2,409 41
Seminary Fund.....	2,307 33
Public Building Fund.....	636 05
Wharf and Dock Fund.....	29,590 02
Legislative Fund.....	121 37
War Bond Fund.....	27,023 08
Federal Tax Fund.....	308 25
Soldiers' Relief Fund.....	2,841 56
Soldiers' Bounty Fund.....	2,950 00
Swamp Land District No. 1.....	157 66
Swamp Land District No. 2.....	92 23
Swamp Land District No. 4.....	1,407 94
Swamp Land District No. 5.....	159 43
Swamp Land District No. 7.....	2,075 10
Swamp Land District No. 8.....	709 07
Swamp Land District No. 16.....	8,718 44
Swamp Land District No. 17.....	343 38
Swamp Land District No. 18.....	1,323 31
Swamp Land District No. 38.....	61 28
Swamp Land District No. 39.....	469 08
Swamp Land District No. 41.....	8 96
Swamp Land District No. 45.....	5,505 80
Swamp Land District No. 46.....	574 28
Harbor Protection Fund.....	45,017 58
Amount Total.....	\$793,520 56

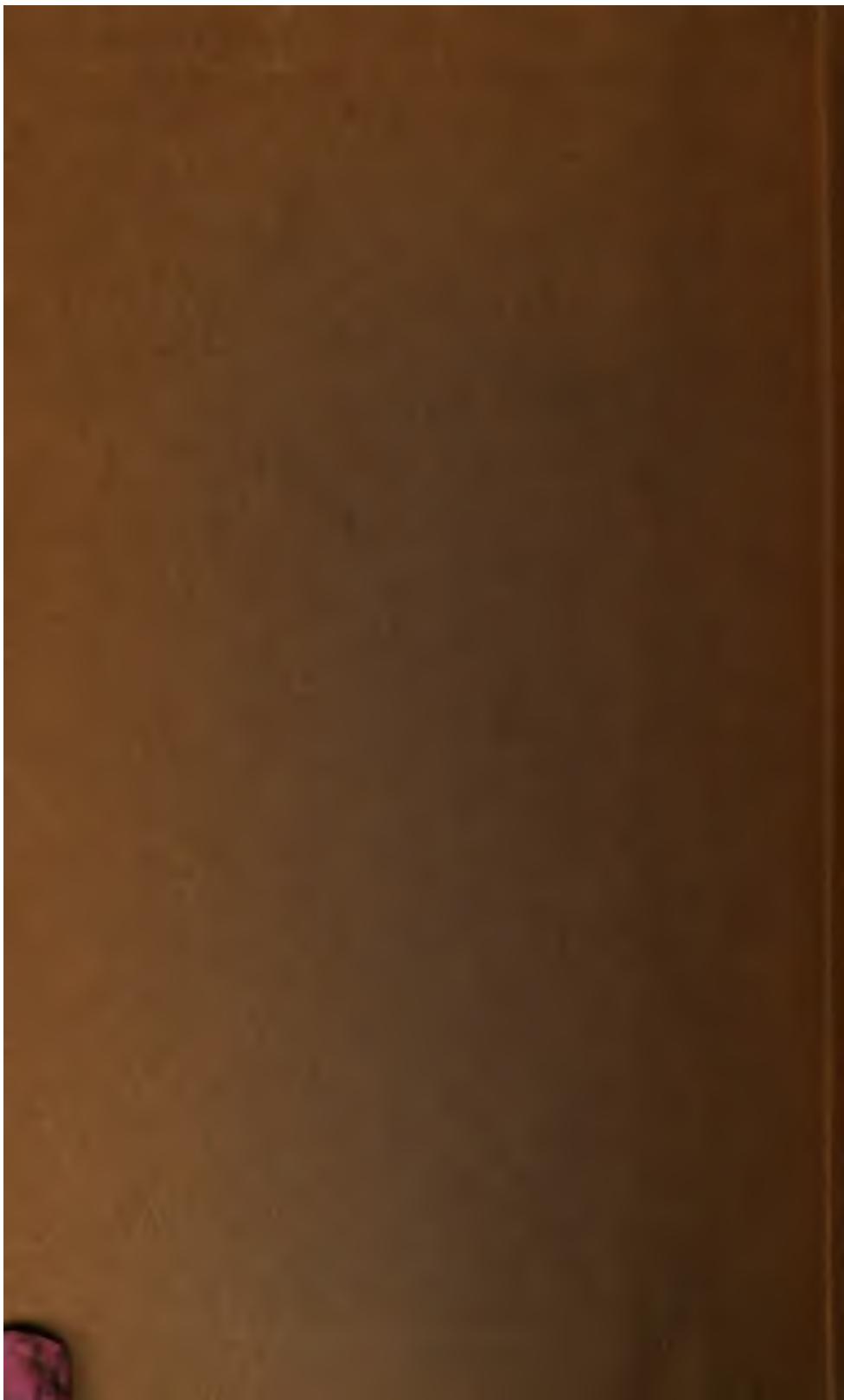
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